APPENDIX A

Workplace Privacy Law: A State-by-State Survey

As the cases in the text demonstrate, workplace privacy issues have been addressed by the courts of different states in widely divergent ways. State statutes and constitutions also vary substantially from state to state. Although every state (and a growing number of municipalities) recognize some privacy rights, the extent to which the right exists from state to state can mean the difference between no liability and very substantial liability for employers, depending on where the employee is located and where the case is brought.

The following chart describes the present status of employee privacy rights in the nation's 50 states, the District of Columbia, Puerto Rico and the Virgin Islands. The authors have focused on statutes and court decisions affecting the general privacy rights of all employees. This chart is not intended to encompass all the possible constitutional privacy and due process protections accorded public employees.

Every attempt has been made to include relevant statutes and decisions through June, 1987. But this survey is not intended as a substitute for obtaining competent legal advice in this sensitive and dynamic area of employee relations. The case law in this area is changing rapidly, and this survey can only serve as an initial research guide. The chart is intended to provide managers and employees with an overview of the breadth and variety of state responses to privacy concerns, and to increase awareness of some of the legislative and judicial decisions affecting workplace privacy issues. It is absolutely essential that managers consult counsel before privacy-related litigation arises, develop preventive programs of policy formation, and disseminate such policies to supervisory personnel.

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
ALABAMA	Right to Privacy	Phillips v. Smalley Maintenance Services, Inc., 435 So. 2d 705 (Ala. 1983), certified questions from 711 F.2d 1524 (11th Cir. 1983).	Applying the Restatement (Second) of Torts definition of the tort of invasion of privacy, the court allowed a female employee to recover damages for medical problems resulting from sexual harassment.
	Polygraphs	Smith v. American Cast Iron Pipe Co., 370 So. 2d 283 (Ala. 1979).	An employee who refused to take a polygraph test during an internal plant investigation was properly discharged for "failing to cooperate with the investigation" where a company handbook expressly stated that polygraph examinations could be used in investigations and a refusal to take the exam would be considered reasonable cause for discharge.
		Montgomery v. Big B, Inc., 460 So. 2d 1286 (Ala. 1984).	Facts and suspicions concerning missing deposits given to a polygraph examiner prior to a voluntary examination of a store manager were "necessary to a competent administration of the polygraph tests" and therefore not libelous.
		Green v. American Cast Iron Pipe Co., 446 So. 2d 16 (Ala. 1984).	Results of a voluntary polygraph examination considered by an employer in discharging an employee were admissible in a subsequent wrongful discharge action.
	Confidentiality of Employee Records	Horne v. Patton, 287 So. 2d 824 (Ala. 1973).	Physician's release of confidential medical information to the patient's employer constituted an invasion of the patient's privacy.
ALASKA	Right to Privacy	Alaska Const. art. I, § 22.	"The right of the people to privacy is recognized and shall not be infringed upon. The legislature shall implement this section."
	Polygraphs	Alaska Stat. § 23.10.037 (1986).	An employer or his agent may not "request," "suggest," or "require" that an employee or applicant submit to a polygraph or lie detector examination. This section does not apply to police officers or police officer applicants.
	Personal Relationships	Conway, Inc. v. Ross, 627 P.2d 1029 (Alaska 1981).	After being hired as a "topless stripper," an employee was fired for engaging in an act of prostitution on her own time. The court found that the employee had not breached the express terms of the contract, and that her extracurricular activities had not so injured the employer's business reputation as to give good cause for her discharge.
	Freedom of Speech/First Amendment	Alaska Stat. § 24.20.050 (1986). State v. Haley, 687 P.2d 305 (Alaska 1984).	Statute prohibiting members of the legislative professional staff from joining any "partisan" political organization that would tend to undermine the essential nonpartisan nature of their functions refers exclusively to activities on behalf of political parties and does not extend to any cause that might express a view on any issue of public concern.
ARIZONA	Right to Privacy	Ariz. Const. art. II § 8 (1982).	"No person shall be disturbed in his private affairs, or his home

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
			invaded, without authority of law."
	Invasion of Privacy	Valencia v. Duval Corp., 132 Ariz. 348, 645 P.2d 1262 (Ct. App. 1982).	The conduct of company personnel supervisor and company designated physician who telephoned employee's physician to obtain medical information was not sufficiently "extreme and outrageous" conduct so as to entitle the employee to prevail on an invasion of privacy claim.
	Polygraphs	Valley Vendors, Inc. v. Jamieson, 129 Ariz. 238, 630 P.2d 61 (Ct. App. 1981).	The refusal of an employee to submit to a polygraph examination did not constitute willful or negligent misconduct connected with his employment and therefore did not bar his right to unemployment insurance benefits.
		Larsen v. Motor Supply Co., 117 Ariz. 507, 573 P.2d 907 (Ct. App. 1977).	The discharge of two at-will employees who refused to sign consent forms required by the examiner before administering a psychological stress evaluation test was not wrongful.
		Camomile v. Frontier Airlines, Inc., 485 F. Supp. 559 (D. Ariz. 1980).	There was no error in an appeal board's consideration of an employee's refusal to take a polygraph test. There was ample evidence, other than the refusal, to support the employee's discharge.
	Confidentiality of Employee Records	Ariz. Rev. Stat. Ann. § 44-1691 to 44-1693 (1986).	This statute governs the actions of consumer reporting agencies in compiling, maintaining, and disseminating information regarding employees, which is to be used for evaluating, promoting, reassigning, or retaining an employee.
	Political Activities	Ariz. Rev. Stat. Ann. § 16-1012 (1984).	It is unlawful for any employer to make any threat intended or calculated to influence the political opinions of his employees within ninety days of an election.
ARKANSAS	Right to Privacy	Dodrill v. Arkansas Democrat Co., 265 Ark. 628, 590 S.W.2d 840 (1979), cert. denied, 444 U.S. 1076 (1980).	A cause of action exists in Arkansas for invasion of privacy as codified in Restatement (Second) of Torts, § 652 (1977). Here, the defendant did not publish the articles in question with the knowledge of falsity or in reckless disregard for the truth.
	Polygraphs	Jackson v. Kinark Corp., 282 Ark. 548, 669 S.W.2d 898 (1984).	Summary judgment was not proper where an employee claimed that his discharge for refusing to take a polygraph was in breach of a contract set out in his employee handbook.
	Confidentiality of Employee Records	Ark. Stat. Ann. § 12-2804 (1979).	All employee evaluation or job performance records of public employees, including preliminary notes and other materials, shall be open to public inspection only upon final administrative resolution of any suspension or termination proceeding, and if there is a compelling public interest in their disclosure.
CALIFORNIA	Right to Privacy	Cal. Const. art. I, § 1 (1972).	"All people are by nature free and independent and have inalienable rights. Among these are enjoying and defending life and liberty, acquiring, possessing

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
			and protecting property, and pursuing and attaining safety, happiness, and privacy."
		Porten v. University of San Francisco, 64 Cal. App. 3d 825, 134 Cal. Rptr. 839 (1976).	California's constitutional right to privacy is an inalienable right that may not be violated by anyone, and may be enforced through a private right of action.
		Garrett v. Los Angeles City Unified School Dist., 116 Cal. App. 3d 472, 172 Cal. Rptr. 170 (1981).	A claim of "invasion of bodily privacy" may not be based on the requirement that a teacher submit to a chest x-ray prior to her initial employment.
	Polygraphs	Cal. Lab. Code § 432.2 (West Supp. 1987); Long Beach City Employees Ass'n v. City of Long Beach, 41 Cal. 3d 937, 227 Cal. Rptr. 90, 719 P.2d 660 (1986).	An employer or his agent cannot "demand" or "require" employees or applicants to submit to a polygraph examination. Public employer's orders to its public safety officers to submit to a polygraph examination as a condition of their employment intruded upon the employees' privacy rights. There is no compelling state interest that justifies this intrusive testing.
	AIDS	Cal. Code Ann. § 199.20 (1987).	This section protects the privacy of individuals who are subject to blood testing for antibodies to the probable causative agent of acquired immune deficiency syndrome (AIDS).
	Employee Investigations	Cal. Pub. Util. Code § 8251 (West 1965).	No public service corporation may discipline or discharge an employee without notice or a hearing based upon the report of any special agent, detective, or "spotter" employed by the corporation for the purpose of investigating its employees.
		Cal. Lab. Code § 2930 (West Supp. 1987).	Any employer who disciplines an employee on the basis of a shopping investigative report shall provide the employee a copy of the report prior to disciplining or discharging the employee, except where the investigator is employed regularly and exclusively by the employer in an employer-employee relationship.
		Robinson v. Hewlett Packard Corp., 183 Cal. App. 3d 1108, 228 Cal. Rptr. 591 (1986).	Former employee's allegation that his discharge was based on an invasion of his privacy was not supported by sufficient evidence demonstrating actual surveillance.
	Personal Relationships	Rulon-Miller v. International Business Machines Corp., 162 Cal. App. 3d 241, 208 Cal. Rptr. 524 (1984).	An employee's constitutional right to privacy was violated where the employer discharged the employee because of her romantic involvement with a manager from a rival company.
		Crosier v. United Parcel Service, Inc., 150 Cal. App. 3d 1132, 198 Cal. Rptr. 361 (1983).	Upholding summary judgment for the employer against the employee's wrongful discharge claim, the court noted that the employer was legitimately concerned with appearances of favoritism, possible claims of sexual harassment, and employee dissension created by romantic relationships between management and non-management employees, and that there was also a public interest in the prevention of sexual harassment and favoritism.

STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
	Confidentiality of Employee Records	Cal. Lab. Code § 432.7 (West Supp. 1987).	Applicants cannot be asked to disclose information regarding arrests that do not result in conviction unless trial is pending for that arrest.
		Cal. Lab. Code § 1198.5 (West Supp. 1987).	Every employer shall, at reasonable times and at reasonable intervals, allow an employee, upon request, to inspect such personnel files that are used or have been used to determine the employee's qualifications.
		Board of Trustees of Leland Stanford Junior Univ. v. Superior Court of Santa Clara County, 119 Cal. App. 3d 516, 174 Cal. Rptr. 160 (1981).	Statutory right of employee to inspect personnel file used to determine his qualifications, which explicitly did not apply to letters of reference, was not in contravention of constitutional right of privacy.
		Cal. Civil Code §§ 1785, 1786 (West 1985).	Governs the action of consumer reporting agencies and investigative reporting agencies in compiling, maintaining, and disseminating information that is used for evaluating an employee.
		Cal. Civil Code § 56.20 (West 1982).	Each employer who receives medical information shall establish private procedures to ensure the confidentiality and protection from unauthorized use and disclosure of that information.
		Cal. Civil Code § 1798 (West 1985).	The Informational Practices Act of 1977 limits the maintenance and dissemination of personnel confidential information by state agencies.
		Johnson v. Winter, 127 Cal. App. 3d 435, 179 Cal. Rptr. 585 (1982).	Applicant for position with Sheriff's department was entitled to access to the investigation file, which was not exempt from the Public Records Act. The department could lawfully withhold any matters obtained with an implicit or explicit understanding that they would be kept confidential.
	Political Activities	Cal. Lab. Code § 1101 (West 1971).	No employer shall make, adopt, or enforce any rule forbidding or preventing an employee from engaging or participating in politics.
COLORADO	Confidentiality of Employee Records	Colo. Rev. Stat. § 24-72-308(3)(f)(I)(1983).	An employer may not require an applicant to describe any information contained in "sealed" arrest records.
		Wells v. Premier Indus. Corp., 691 P.2d 765 (Colo. Ct. App. 1984).	An employer did not violate an employee's right to privacy where, after notifying the employee of its intention to comply with an I.R.S. summons, the employer produced the employee's records.
	Political Activities	Colo. Rev. Stat. § 8-2-108 (1986).	It shall be unlawful for any corporation, company, or any employer of labor to adopt a rule forbidding an employee from engaging in political activities.
	Defamation	Patane v. Broadmoor Hotel, Inc., 708 P.2d 473 (Colo. Ct. App. 1985)	An employer's privilege to inform other employees of reason for a change in personnel is not abused as a matter of law when reasons are communicated to employees other than those involved in the personnel actions.

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
CONNECTICUT	Right to Privacy	Jonap v. Silver, 1 Conn. App. 550, 474 A.2d 800 (1984).	An employer invaded an employee's right to privacy where the employer wrongfully credited the employee with writing and publishing a letter, which the employee claimed harmed his reputation and possible business opportunities.
	Polygraphs	Conn. Gen. Stat. Ann. § 31-51g (West 1987).	An employer or his agent may not "request" or "require" an employee or applicant to submit to a polygraph examination as a condition of employment. An employer may not dismiss or discipline an employee for failure to take a polygraph examination.
	Applicant Investigations	Conn. Gen. Stat. Ann. § 53-303e (West Supp. 1985).	No employer may, as a prerequisite to employment, inquire whether the applicant observes the Sabbath.
	Employee Investigations	Conn. Gen. Stat. Ann. § 31-48b(b) (West 1987).	No employer shall operate any "electronic surveillance device or system," including sound or voice recording or closed circuit system to record or monitor employees in areas designed for the health and comfort of the employees or for safeguarding their persons, such as rest rooms, locker rooms, or lounges.
	Confidentiality of Employee Records	Conn. Gen. Stat. Ann. § 31-128b (West Supp. 1987).	Provides for inspection by an employee of personnel files maintained by an employer. An employer is required to keep personnel files for at least one year following termination of an employee.
		Conn. Gen. Stat. Ann. § 31-128c (West Supp. 1987).	Provides for inspection by an employee of medical records within the employer's possession. An employer is required to keep medical records for at least one year following termination of an employee.
		Conn. Gen. Stat. Ann. § 31-128f (West Supp. 1987)	Provides the procedure and conditions for disclosure of information within an employee's personnel file and medical record. Subject to certain exceptions, information from an employee's personnel file or medical record may not be disclosed without written authorization of the employee.
		Conn. Gen. Stat. Ann. § 31-51i (West 1987).	The portion of a job application containing certain information concerning the arrest record of a job applicant shall not be available to any member of the firm interviewing the applicant except in the personnel department.
DELAWARE	Right to Privacy	Avallone v. Wilmington Medical Center, Inc., 553 F. Supp. 931 (D. Del. 1982).	The fact that a former head nurse was asked by others why she left her place of employment is insufficient, as a matter of law, to constitute an action against her former employer for invasion of privacy.
	Polygraphs	Del. Code. Ann. tit. 19, § 704 (1985).	An employer or his agent may not "require" or "suggest" that an employee or applicant submit to a polygraph examination.

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
	Confidentiality of Employee Records	Del. Code Ann. tit. 19, § 721 (1985).	An employee has a right to inspect his or her personnel file. An employer may require a written request from the employee.
DISTRICT OF COLUMBIA	Drug Testing	Jones v. McKenzie, 628 F. Supp. 1500 (D. D.C. 1986).	Termination of a school bus attendant on basis of single, unconfirmed positive urinalysis drug test was arbitrary and capricious. Subjecting the attendant to the urinalysis without probable cause violated her Fourth Amendment rights.
		Sanders v. Washington Metropolitan Area Transit Auth., 652 F. Supp. 765 (D. D.C. 1986), aff'd, 819 F.2d 1151 (D.C. Cir. 1987).	Drug testing after a serious operating incident or following sick leave, with termination for positive results, constituted governmental activity for the common good and was immune under the Eleventh Amendment.
		Maurice Turner v. Fraternal Order of Police, 500 A.2d 1005 (App. D.C. 1985).	Testing upon suspicion of drug abuse upheld under Fourth Amendment.
	Polygraphs	D.C. Code Ann. § 36-801 to 36-803 (1981).	An employer may not "administer," "have administered," "accept," or "use" the results of a polygraph examination in connection with employment or an application for employment.
	Applicant Investigations	Flake v. Bennett, 611 F. Supp. 70 (D. D.C. 1985).	Where staff attorneys for Office of Civil Rights of Department of Education had raised First Amendment privacy claim challenging policy of imposing security investigation requirement on applicants for position of senior trial attorney, court held that government agencies may not require full security investigations for positions that do not affect national security of the United States.
	Personal Relationships	D.C. Code Ann. § 1-2502 (1981 & Supp. 1985).	Protects against discrimination in employment, including discharge of an employee, on the basis of sexual orientation.
	Confidentiality of Employee Records	D.C. Code Ann. § 1-632.1 (1981).	Public employee personnel files are to be established, maintained, and disposed of in a manner designed to ensure the "greatest degree of privacy."
	Political Activities	Clark v. Library of Congress, 750 F.2d 89 (D.C. Cir. 1984).	Library, which based its request for a full-field FBI investigation on shelver's membership in lawful political organization, failed to demonstrate any legitimate or compelling justification for investigation into the political beliefs and associations of the plaintiff, whose position was classified as non-sensitive to security interests.
FLORIDA	Right to Privacy	Fla. Const. art. I, § 23 (1980).	"Every natural person has the right to be left alone and free from governmental intrusion into his private life except as otherwise provided herein. This section shall not be construed to limit the public's right of access to public records and meetings as provided by law."

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
	Drug Testing	City of Palm Bay v. Bauman, 475 So.2d 1322 (Fla. Dist. Ct. App. 1985).	Prohibited random testing of police officers and fire fighters, holding that drug tests are only permissible where there is a reasonable suspicion that the person is using drugs.
	Polygraphs	Farmer v. City of Ft. Lauderdale, 427 So.2d 187 (Fla. 1983), cert. denied, 464 U.S. 816 (1984).	The polygraph is sufficiently unreliable that a police officer cannot be ordered to take a polygraph test and his refusal is not a sufficient basis for dismissal, where officer answered all questions concerning the matter under investigation in an oral interview. The Florida Supreme Court reported a contrary decision in State Dept. of Highway Safety v. Zinser, 398 So.2d 463 (Fla. Dist. Ct. App. 1981).
		Swope v. Fla. Indust. Comm. Unemp. Comp. Bd. of Review, 159 So. 2d 653 (Fla. Dist. Ct. App. 1963).	While private employer can impose a rule requiring polygraphs, where there was no prior rule and employee was engaged in a "fishing expedition," employees refusal to take the test was not misconduct; therefore, employees were eligible for benefits.
		State Dept. of Highway Safety & Motor Vehicles v. Zinser, 398 So. 2d 463 (Fla. Dist. Ct. App. 1981).	Public employee can be dismissed for insubordination for refusal to submit to polygraph during course of agency investigation so long as employees were not coerced into waiving constitutional rights against self-incrimination.
	AIDS and Genetic Testing	Fla. Stat. Ann. § 381.606(4) (West 1986).	No person shall be compelled to identify characteristics that, if disclosed, would identify any individual who receives or has received a serological test.
		Fla. Stat. § 381.606(5) (West Supp. 1986).	Prohibits employers from using the results of a serologic test for AIDS in employment decisions.
	Applicant Investigations	Fla. Stat. Ann. § 448.075-76, 228.201 (West 1986 and Supp. 1986).	Prohibits an employer from requiring testing of employees for sickle-cell trait or the discharge of an employee solely because he has the trait.
	Confidentiality of Employee Records	Michel v. Douglas, 464 So.2d 545 (Fla. 1985); Forsberg v. Housing Authority of Miami Beach, 455 So. 2d 373 (Fla. 1984).	Tax-supported hospital's employee records were not exempted from the Florida Public Records Act by exemption provided for public records "which are presently provided by law to be confidential or which are prohibited from being inspected by the public," or by exemption for "any information revealing surveillance techniques or procedures or personnel," and no federal or state right of disclosure privacy exists.
GEORGIA	Right to Privacy	Cummings v. Walsh Const. Co., 561 F. Supp. 872 (S.D. Ga. 1983).	There was no intrusion on a female employee's seclusion or solitude where she agreed to engage in sex with her supervisor, and her own disclosure of this fact negated the supervisor's public disclosures. The employee was permitted to proceed with her sexual harassment and emotional distress claims.

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
	Drug Testing	Allen v. City of Marietta, 601 F. Supp. 482 (N.D. Ga. 1985).	Urinalysis tests administered to government employees were not unreasonable in violation of the Fourth Amendment, where tests were administered as part of government employer's legitimate interest in determining the use of drugs by employees engaged in extremely hazardous work.
	Polygraphs	Ga. Code Ann. § 43-36-14 (Supp. 1986).	Restricts the questions that may be asked by a polygraph examiner during a polygraph examination.
		Hester v. City of Milledgeville, 777 F.2d 1492 (11th Cir.) reh. denied, 782 F.2d 180 (11th Cir. 1986).	Proper use of control questions in polygraph examinations did not violate fire fighters' privacy rights since the use of control questions to improve accuracy outweighed the limited intrusion into the sphere of confidentiality.
	Employee Investigations	Ellenberg v. Pinkerton's, Inc., 130 Ga. App. 254, 202 S.E.2d 701 (1973).	Employer hired detective agency to conduct surveillance of an employee who sued the company for a work-related injury. The court held that reasonable surveillance, not designed to frighten or torment plaintiff, is a lawful method of obtaining evidence; where detective merely watched plaintiffs house and followed plaintiff's car, there was no intrusion on seclusion and the surveillance did not exceed the bounds of decency.
		Avbrey v. Great Atlantic & Pacific Tea Co., 505 F. Supp. 604 (N.D. Ga. 1980).	The Georgia wiretap statute, Ga. Code Ann. § 26-3004(1), contains an implied cause of action under which employee could sue his employer for a wiretap allegedly placed on telephones at employer's premises.
		Fowler v. Southern Bell Tel. & Tel. Co., 343 F.2d 150 (5th Cir. 1965).	Georgia recognizes a cause of action for invasion of privacy through wiretapping irrespective of whether the information obtained is published or disclosed.
	Confidentiality of Employee Records	Ga. Code Ann. § 35-3-34 (1982).	Information gathered on applicants and current employees relating to "records of guilt" may be revealed to employer by the Georgia Crime Information Center where the employee has custody, control, or access to cash or valuable items or when the employee must ensure the security or safety of other employees, customers, or property of the employer.
		Kobeck v. Nabisco, Inc., 166 Ga. App. 652, 305 S.E.2d 103 (1983).	An employer did not state a claim for intrusion where her employer revealed her attendance records to her husband, (who subsequently committed suicide after concluding that her frequent absences from work were because she had been seeing another man) because there was not physical intrusion upon the employee's privacy.
HAWAII	Right to Privacy	Hawaii Const. art. I, § 6.	"The right of the people to privacy is recognized and shall not be infringed without the showing of a compelling state interest. The legislature shall take affirmative steps to implement this right."

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
		Nakano v. Matayoshi, 706 P.2d 814 (Haw. 1985).	Financial disclosure requirements of the county's ethics code did not violate the state's constitutionally protected privacy rights where disclosure requirements paralleled those of the constitution's ethics provision, and were thus consistent with reasonable expectations of privacy.
	Polygraphs	Haw. Rev. Stat. § 378-26.5 (1985).	It shall be unlawful for any employer to require a prospective employee or employer to submit to a lie detector test as a condition of employment or continued employment.
	Confidentiality of Employee Records	Haw. Rev. Stat. § 831-3.1(b)(1976).	The State may not give out information of arrests that are not followed by convictions in connection with applications for employment.
IDAHO	Polygraphs	Idaho Code § 44-903 to § 44-904 (1977).	No person, firm, or corporation shall "require" an applicant or employee to take a polygraph examination as a condition of employment.
	Confidentiality of Employee Records	Baker v. Burlington Northern, Inc., 99 Idaho 688, 587 P.2d 829 (1978).	The employer's publication of the employee's recent criminal activity was a disclosure of public facts and thus not an actionable invasion of privacy.
ILLINOIS	Right to Privacy	Ill. Const. art. I, § 6.	"The people shall have the right to be secure in their persons, houses, papers, and other possessions against unreasonable searches, seizures, invasion of privacy, or interceptions of communications by eavesdropping devices or other means.
	Drug Testing	Division 241 Amalgamated Transit Union v. SUSCY, 538 F.2d 1264 (7th Cir. 1976).	Where the state has a paramount interest in protecting the public by insuring that bus drivers were fit to perform their jobs, bus drivers had no reasonable expectation of privacy with regard to submitting to blood and urine tests.
		Railway Labor Executives Ass'n v. Norfolk & Western Ry. Co., ___F. Supp. ___ (N.D. Ill. 1987).	A urinalysis as part of the routine physical was arguably justified under the bargaining agreement to insure that the employee is physically fit for his or her job.
	Polygraphs	Ill. Rev. Stat. ch. 111 § 2401 to § 2432 (Smith-Hurd 1978).	Sets forth licensing procedure for polygraph examiners.
		Kaske v. City of Rockford, 96 Ill. App. 2d 298, 450 N.E.2d 314 cert. denied, 464 U.S. 960 (1983).	A polygraph examination evidence is too unreliable to form the basis for the just cause dismissal of a public employee or civil servant, and a city police officer cannot be disciplined for refusing to take a polygraph.
		Cipov v. International Harvester Co., 134 Ill. App. 3d 522, 481 N.E.2d 22 (1985).	There is no "public policy" shielding at-will employees from polygraph examinations.
		Rozier v. St. Mary's Hosp., 88 Ill. App. 3d 994, 411 N.E.2d 50 (1980).	A private hospital was justified in concluding that an employee lied and in terminating her employment on that basis when she

STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
			failed a polygraph examination relating to information leaked to the media about patient abuse.
	Applicant Investigations	Ill. Rev. Stat. ch. 68, para. 2-103 (Smith-Hurd Supp. 1987).	It is a civil rights violation for any employer to inquire on an employment application whether a job applicant has ever been arrested.
		Oden v. Cahill, 79 Ill. App. 3d 768, 398 N.E.2d 1061 (1979).	The Illinois Civil Service Commission did not invade a police applicant's right to privacy by utilizing information that was ordered expunged from the applicant's record in its hiring decision. The court recognized no right of privacy in information that "already is, or can legally be made public."
	Personal Relationships	McCluskey v. Clark Oil & Refining Corp., 147 Ill. App. 3d 822, 498 N.E.2d 559 (1986).	Termination of an employee because she was married to a co-worker did not violate public policy.
	Confidentiality of Employee Records	Ill. Rev. Stat. ch. 48, para. 2002 (Smith-Hurd 1986).	Every employer shall, upon an employee's request, which the employer may require to be in writing, permit the employee to inspect his personnel documents.
		Illinois State Employees Ass'n v. Walker, 57 Ill. App. 2d 512, 315 N.E.2d 9, cert. denied, 419 U.S. 1058 (1974).	Financial disclosures required of state employees do not deprive them of their right to privacy under either the state or federal constitution.
	Freedom of Speech/First Amendment	Barr v. Kelso-Burnett Co., 106 Ill. App. 2d 520, 478 N.E.2d 1354 (1985).	In an action for retaliatory discharge from employment in violation of the employee's free speech rights, the court held that the complaint, which cited statutory and constitutional provisions relating only to the power of government, not individuals, failed to state a cause of action.
	Defamation	Jones v. Britt Airways, Inc., 622 F. Supp. 389 (N.D. Ill. 1985).	An employee's allegations that on several occasions her employer had stated to other employees that she had been dismissed for embezzling company funds satisfied the publication requirement for defamation.
INDIANA	Political Activities	Ind. Code Ann. § 3-4-7-3 (Burns 1982).	It is a misdemeanor for an employer to threaten an employee to influence the employee's political opinions or actions.
	Confidentiality of Employee Records	Ind. Code Ann. § 4-1-6 (Burns 1986).	Governs the maintenance and disclosure of personal information by State agencies.
	Reasons for Termination	Ind. Code Ann. § 22-6-3-1 (Burns 1986).	Requires the former employer of an employee who has been discharged to issue the employee a service letter if he so requests it. The service letter must state the length and nature of the employment and must truly state for what cause, if any, such employee was discharged.
	Defamation	Lawson v. Howmet Aluminum Corp., 449 N.E.2d 1172 (Ind. Ct. App. 1983).	The plant supervisor and plant manager and the employee's immediate supervisor had a common interest in the reasons for the plaintiff's termination. The statement made to the employment

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
			security division about the plaintiff is, by statute (Ind. Code § 22-4-17-9 (Burns 1976)), protected by a qualified privilege. The protection of a qualified privilege, however, may be lost if the privilege was abused by excessive publication of the defamatory statement.
IOWA	Right to Privacy	Winegard v. Larsen, 260 N.W.2d 816 (Iowa 1977).	Cause of action for invasion of privacy, whether under false light theory or any other, was not shown by evidence that attorneys made slightly inaccurate statements of fact concerning marriage dissolution proceeding.
	Drug Testing	McDonell v. Hunter, 612 F. Supp. 1122 (S.D. Iowa 1985).	State correctional facility personnel may be held liable for invasion of an employee's right to privacy where a facility demands a blood or urine sample of an employee without "reasonable suspicion."
		Brotherhood of Maintenance of Way Employees, Lodge 16 v. Burlington Northern RY. Co., 802 F.2d 1016 (8th Cir. 1986).	A railroad can unilaterally administer chemical drug tests to all employees who appear to be impaired or are involved in any accident.
	Polygraphs	Iowa Code § 730.4(1) to § 730.4(3) (West Supp. 1987).	An employer shall not "require" an applicant for employment to take a lie detector test as a condition of employment.
	Employee Investigations	McDonell v. Hunter, 612 F. Supp. 1122 (S.D. Iowa 1985).	State correctional facility personnel may be held liable for invasion of an employee's right to privacy where a facility (1) does not utilize a reasonable method for searching employees, such as "pat-downs" or inspection of persons or packages, (2) conducts a strip search of employees without "reasonable suspicion,"
			(3) conducts a search of an employee's vehicle that is not within the confines of the correctional facility.
	Defamation	Andersen v. Low Rent Housing Comm'n of Muscatine, 304 N.W.2d 239 (Iowa 1981), cert. denied, 454 U.S. 1086 (1981).	A former employee did not consent to an invasion of her privacy by going to the media in response to publication of the reasons for her termination.
		Haldeman v. Total Petroleum, Inc., 376 N.W.2d 98 (Iowa 1985).	A qualified privilege exists for a company to make statements regarding the reasons for a former employee's discharge to a potential employer.
KANSAS	Right to Privacy	Johnson v. Boeing Airplane Co., 175 Kan. 275, 262 P.2d 808 (1953).	An employee waived his right to privacy by voluntarily posing for a picture that was subsequently published by the company in an advertisement for the equipment that the company manufactured.
	Employee Investigations	Gretencord v. Ford Motor Co., 538 F. Supp. 331 (D. Kan. 1982).	The court held that the employee failed to state a cause of action for invasion of privacy as a result of the employer's policy to randomly search vehicles prior to their exit from the employer's property.

STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
	Confidentiality of Employee Records	Atchison, Topeka, and Santa Fe Ry. Co. v. Lopez, 316 Kan. 108, 531 P.2d 455 (1975).	Enforcement of a Railway Commission subpoena requiring production of arrest and conviction records of all employees was not deemed to be an invasion of the employees' privacy.
	Reasons for Termination	Kan. Stat. Ann. § 44-808(3) (1986).	Employers are required to furnish discharged employees who so request a service setting forth the tenure of employment, occupational classification, and wage rate paid the employee.
KENTUCKY	Polygraphs	Douthitt v. Kentucky Unemployment Ins. Comm'n, 676 S.W.2d 472 (Ky. Ct. App. 1984).	The claimant's refusal to submit to polygraph tests was not sufficient misconduct to deny employment compensation benefits in light of the unreliability of such examinations.
	Personal Relationships	Grevb v. Evans, 700 S.W.2d 399 (Ky. 1985).	The court rejected the employee's contention that his discharge, allegedly for fraternizing with a female employee, violated the public policy against sex discrimination and the freedom of association.
LOUISIANA	Right to Privacy	La. Const. art. I, § 5 (1975).	"Every person shall be secure in his person, property, communications, houses, papers, and effects against unreasonable searches, seizures, or invasions of privacy."
		Cangelosi v. Schwegmann Bros. Giant Super Markets, 379 So. 2d 836, (La. Ct. App. 1980), aff'd 390 So. 2d 196 (La. 1980).	An employer did not invade a cashier's right to privacy where the employer questioned the employee in a reasonable manner and with good faith regarding an altered check.
		Public Employees Ass'n of New Orleans, Inc. v. City of New Orleans, 404 So. 2d 537 (La. Ct. App. 1981).	The City of New Orleans did not intrude upon employees' privacy by requiring that they complete a questionnaire used to determine whether city employees were employed in other occupations in order to avoid possible conflicts of interest.
	Drug Testing	National Treasury Employees Union v. Von Raab, 816 F.2d 170 (5th Cir. 1987).	The court upheld a U.S. Customs Service plan to drug test certain applicants and employees who seek promotion into "covered positions."
	Polygraphs	International Alliance of Theatrical Stage Employees, Local 293 v. Gulf Int'l. Cinema Corp., 568 F. Supp. 1396 (E.D. La. 1983).	An employer may require employees to take polygraph examinations and may suspend employees who refuse such an examination until such time as they submit. The collective bargaining agreement in effect covered discharges, not suspensions. Also, the union did not demand to bargain over the polygraph requirement, "so there was no breach of the contract by requiring employees to submit to the examinations."
	Genetic Testing	La. Rev. Stat. Ann. 23:1001-1004 (1985).	Provides that an employer may not discharge an employee on the basis of the sickle cell trait.
	Employee Investigations	Love v. Southern Bell Tel. and Tel. Co., 263 So. 2d 460 (La. Ct. App.), writ denied, 262 La.	An employer was held liable for invading a former employee's right to privacy where the employer utilized information in his disciplinary proceeding

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
		1117, 266 So. 2d 429 (1972).	acquired when other employees entered the former employee's trailer and found him intoxicated.
		Souder v. Pendleton Detectives, Inc., 88 So. 2d 716 (La. Ct. App. 1956).	Insurance company hired detectives to investigate workers compensation claimant. Plaintiff alleged that the detectives trailed and eavesdropped on him, used binoculars, trespassed on his property, and peeked in his windows. The court held that investigations must be conducted within legal bounds. Where the detectives might have violated Louisiana's "Peeping Tom" statute, plaintiff stated a claim for invasion of privacy.
	Political Activities	La. Rev. Stat. Ann. § 23:961 (West 1985).	No employer having more than twenty employees shall adopt or enforce any rule forbidding or preventing any employee from engaging or participating in politics or becoming a candidate for public office.
	Defamation	Farria v. La Bonne Terrabonne of Houma, Inc., 476 So. 2d 474 (La. Ct. App. 1985).	An employee can sue her former employer for defamation when the employer informed the employment security office that she had been discharged for stealing. The fact that statements given were confidential does not negate the publication element.
		Thibodeaux v. Southwest Louisiana Hosp. Ass'n., 488 So. 2d 743 (La. Ct. App. 1986).	The plaintiffs, who had been discharged after an investigation into a shortage of funds, could not maintain a defamation action against either the employer or firm that conducted polygraph interviews of employees, since the investigation was conducted discreetly, no information was divulged except to those responsible for the investigation, and polygraph examinations were not improperly administered.
		Alford v. Georgia-Pacific Corp., 331 So. 2d 558 (La. Ct. App.), writ denied, 334 So. 2d 427 (La. 1976).	Statements made to prospective employees that former employee was a good engineer but had trouble "pushing a crew" enjoyed a conditional privilege and were not actionable when made in good faith and for legitimate purposes.
MAINE	Right to Privacy	Hudson v. S.D. Warren Co., 608 F. Supp. 477 (D. Me. 1985).	No invasion of privacy was shown where employee alleged he was dismissed from his employment after an undercover police agent falsely reported to his employers that he had consumed alcohol on the job and offered the agent a drink. There was no public disclosure because the statements were made to a small group of persons, and the recipients had a legitimate interest in it.
	Polygraphs	Me. Rev. Stat. Ann. tit. 32, § 7166(1)-(3) (Supp. 1986).	An employer may not directly or indirectly "require," "request," or "suggest" that any applicant or employee submit to a polygraph examination as a condition of employment.

STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
	Confidentiality of Employee Records	Me. Rev. Stat. Ann. tit. § 26, § 631 (Supp. 1986).	Provides for the right of employees or former employees to review their personnel files.
		Me. Rev. Stat. Ann. tit. 30 § 64 and § 2257 (Supp. 1986).	The county commission shall, on written request from an employee, or former employee, provide the employee or his duly authorized representative with an opportunity to review his personnel file.
	Defamation	Tucci v. Guy Gannett Pub. Co., 464 A.2d 161 (Me. 1983).	A former police officer and city councilor failed to prove defamation of character when the city manager wrote newspaper articles describing a cheating incident on a police promotional examination in which plaintiff had allegedly been involved.
		Saunders v. VanPelt, 497 A.2d 1121 (Me. 1985).	A pediatrician's false statements about an employee's inability to perform psychological testing upon children were actionable per se because they related to the employee's profession.
MARYLAND	Right to Privacy	Klipa v. Board of Educ. of Anne Arundel County, 54 Md. App. 644, 460 A.2d 601 (1983).	A cause of action for invasion of privacy was not stated when § 652A of Restatement (Second) of Torts by reason of action of school board and others in releasing student's entire record, including psychological reports, to principal and chief guidance counselor of school where student was being transferred, in absence of evidence that any unwarranted publicity was given to information contained in record.
		Hollander v. Lubow, 277 Md. 47, 351 A.2d 421 (Ct. App.), cert. denied, 426 U.S. 936 (1976).	During litigation between employer and its former employee, the employer and its attorneys learned from a bank that the former employee was, during the time of his employment, a partner in a competing business. The court held that this was a public fact, not a private fact, so there was no unlawful intrusion, public disclosure, or other invasion of privacy.
	Polygraphs	Md. Ann. Code art. 100, § 95 (Supp. 1975).	No employer may demand or require an employee or applicant to submit to a polygraph, lie detector, or similar test or examination. This section does not apply to the federal government or any agency thereof.
		Moniodis v. Cook, 64 Md. App. 1, 494 A.2d 212 (1985).	A former employee's discharge for refusing to submit to a polygraph examination clearly violated the mandate of the statute prohibiting lie detector tests as a condition of employment.
	Applicant Investigations	Md. Ann. Code art. 100, § 95(A) (Supp. 1986).	An employer may not require an applicant to answer, orally or in writing, "questions pertaining to any physical, psychological, or psychiatric illness, disability, or treatment which did not bear a direct material and timely relationship to the applicant's fitness or competency to properly perform the activities of the desired position."

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
		Md. Ann. Code art. 27, § 740(a)-(b) (1982).	An employer may not, in any application, interview, or otherwise, require an applicant for employment or admission to disclose information concerning criminal charges against him that have been expunged.
	Employee Investigations	Pemberton v. Bethlehem Steel Corp., 66 Md. App. 133, 502 A.2d 1101, cert. denied, 306 Md. 289, 508 A.2d 488, cert. denied, ___U.S.___, 107 S. Ct. 571 (1986).	Surveillance, consisting of observing a union business agent outside his residence, and in other public places, which was conducted in such a way that the subject was unaware of the surveillance, was not an intrusion upon seclusion.
	Political Activities	Md. Ann. Code art. 33, § 26-16 (6) (Michie 1986).	An employer is prohibited from influencing through coercion an employee's political opinions or actions within ninety days of election.
	Freedom of Speech/First Amendment	De Blaecker v. Montgomery County, 292 Md. 498, 438 A.2d 1348 (1982).	A Roman Catholic priest who was discharged from his at-will public employment as a teacher in a county detention center, allegedly in violation of his right to free speech because of comments to inmates stated a claim.
	Defamation	Adler v. American Standard Corp., 538 F. Supp. 572 (D. Md. 1982).	An employee's complaint alleging that plaintiff's former employers made statements in connection with discharge of plaintiff that were not true and were maliciously and recklessly made would not be dismissed for failure to reproduce exact words alleged to have been defamatory.
		Berger v. Battaglia, 779 F.2d 992 (4th Cir. 1985), cert. denied, ___U.S.___, 106 S. Ct. 2278 (1986).	A police officer's off-duty performance of entertainment in blackface makeup was constitutionally protected speech, and his employer could not discipline him for it.
MASSACHUSETTS	Right to Privacy	Mass. Ann. Laws ch. 214, § 1B (West Supp. 1987)	A person shall be protected against unreasonable, substantial, or serious interference with his privacy and the Superior Court shall have jurisdiction to award damages.
		Cort v. Bristol Myers Co., 385 Mass. 300, 431 N.E.2d 908 (1982).	Where employees declined to provide any information they regarded as confidential or personal in employees' questionnaires, the employer was not liable to the employees for invasion of privacy because the employer's attempt at invasion of privacy, if it was one, failed.
	Polygraphs	Mass. Gen. Laws Ann. ch. 149, § 19B (West. Supp. 1987).	No employer shall request any employee, including police officers, to submit to a polygraph examination as a condition of employment.
		Baker v. City of Lawrence, 379 Mass. 322, 409 N.E.2d 710 (1979).	Under statute governing administering of polygraph tests to employees or applicants, where law enforcement agency is conducting investigation of a crime alleged to have been committed by person in connection with duties of his employment, agency is permitted to administer polygraph test to that employee.

STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
	AIDS	Mass. Gen. Laws Ann. ch. 111, § 70F (West Supp. 1987).	No health care facility shall disclose the results of an AIDS test to any person other than the subject thereof without first obtaining the subject's written, informed consent, or identify the subject of such tests.
		Cronan v. New England Telephones, ___F. Supp. ____, 1 IER Cases 658 (D. Mass. 1986).	State law breach of privacy complaint alleging that the employer forced the employee to disclose that he had been diagnosed as having ARC, a form of AIDS, and then revealed his medical condition to other employees was based upon a statutory right to privacy independent of private agreements.
	Applicant Investigations	Mass. Gen. Laws Ann. ch. 276 § 100A (West Supp. 1987).	Applications for employment must include a provision notifying applicants that they may answer "no record" to inquiries regarding prior arrest records if their criminal records have been "sealed."
	Confidentiality of Employee Records	Mass. Gen. Laws Ann. ch. 149 § 52C (West Supp. 1987).	Any employer receiving a written request from an employee shall provide the employee with an opportunity to review his personnel records.
		Pottle v. School Comm. Braintree, 395 Mass. 861, 482 N.E.2d 813 (1985).	The disclosure of the names and addresses of public school employees to labor unions does not constitute an unwarranted invasion of personal privacy because school employees, by virtue of their public employment, have diminished expectations of privacy, and the names and addresses are available from other sources.
		Bratt v. International Business Machines Corp., 785 F.2d 352 (1st Cir. 1986).	There was no unreasonable invasion of privacy by revealing to managerial employees information about employee use of an "open door" policy. However, employer's distribution of memos regarding employee's mental health problem was an invasion of his privacy.
		Alberts v. Devine, 395 Mass. 59, 479 N.E.2d 113, cert. denied, ___U.S. ___, 106 S. Ct. 546 (1985).	Exception to rule of confidentiality when aspects of employee's health could affect employee's ability effectively to perform job duties is not so broad as to permit physician to disclose to patient's employer whatever information might bear on employee's ability effectively to perform job duties.
	Freedom of Speech/First Amendment	Mass. Gen. Law Ann. ch. 151B, § 4(1)(A) (West 1982).	Provides that an employee who has given the requisite prior notice may not be required to work during any day that, as a requirement of his religion, he observes as his Sabbath or other holy day.
	Defamation	Stephanischen v. Merchants Despatch Transp. Corp., 722 F.2d 922 (1st Cir. 1983).	The employer's conditional privilege to communicate adverse information about the employee would be actionable if the employee was able to show actual malice.
		Arsenault v. Allegheny Airlines, Inc., 485 F. Supp. 1373 (D.	The general rule in defamation cases involving an employer's remarks about an employee's work

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
		Mass. 1980), aff'd, 636 F.2d 1199, (1st Cir.) cert. denied, 454 U.S. 821 (1981).	record is that such comments are conditionally privileged and are actionable only upon proof of actual malice.
MICHIGAN	Right to Privacy	Cole v. Dow Chemical Co., 112 Mich. App. 198, 315 N.W.2d 565 (1982).	Employees sought relief based on constitutional right to privacy for sterility caused by exposure to a chemical during employment. The privacy claim could not be maintained since there was no state action.
	Polygraphs	Mich. Comp. Laws § 32.272 (1985).	Employers may not require their employees to take lie detector tests as a condition of continued employment. Employees who are discharged for refusal to take such a test may recover double the wages lost.
		Rivers v. En-Call-O Corp., 100 Mich. App. 824, 300 N.W.2d 420 (1980).	An employee's refusal to take a polygraph examination was properly excluded in the employee's civil suit against his employer for malicious prosecution.
	Applicant Investigations	Mich. Comp. Laws Ann. § 37.2205a (West 1985).	Employers are forbidden to make inquiries of their employees concerning prior arrests that did not result in a conviction.
	Employee Investigations	Mich. Stat. Ann. § 17.62(9) (Callaghan 1982).	If an employer has reasonable cause to believe an employee is engaged in certain criminal activities he may keep a separate file on the investigation. Upon completion of the investigation, the employee must be notified that an investigation was conducted. If no disciplinary action was taken, the file and all copies must be destroyed.
		Mich. Stat. Ann. § 17.62(7) (Callaghan 1982).	An employer shall not gather or keep a record of employee's associations, political activities, publications, or communications of non-employment activity unless authorized by the employee, unless they occur on the employer's premises, or during working hours, and disrupt the duties of the employee or other employees.
	Personal Relationships	Briggs v. North Muskegon Police Dep't., 563 F. Supp. 585 (W.D. Mich. 1983), aff'd, 746 F.2d 1475 (6th Cir. 1984), cert. denied, 473 U.S. 909, (1985).	Dismissal of a married, part time officer for cohabiting with a woman who was not his wife violated the officer's right to privacy.
		Sears v. Ryder Truck Rental, Inc., 596 F. Supp. 1001 (E.D. Mich. 1984).	Forced resignation of employee due to management disapproval of her social relationships with co-employee was neither sex discrimination nor discrimination on the basis of "marital status" under the state civil rights statute.
		Miller v. C.A. Muer Corp., 420 Mich. 355, 362 N.W.2d 650 (1984).	Although anti-nepotism policies might require co-workers who desire to marry to confront serious and difficult choices concerning their employment, they did not directly and substantially infringe on the right to marry.
		Lowry v. Sinai Hosp. of Detroit, 129 Mich. App. 726, 343 N.W.2d 1 (1983).	Michigan law prohibiting discrimination on the basis of the identity of one's spouse does not prohibit an employer's anti-nepotism rule that applies to all relatives.
	Confidentiality of Employee Records	Mich. Stat. Ann. § 17.62(1)-(5) (Callaghan 1982).	An employer, upon written request that describes the personnel record, shall provide to the employee an opportunity to periodically review at reasonable intervals the employee's personnel record. Employees who disagree with information in a personnel file may include a statement of the disagreement. Exceptions include employee references, materials affecting other employees, private information about others, and separately maintained grievance and criminal investigations.
		Mich. Stat. Ann. § 17.62(6) (Callaghan 1982).	An employer shall not divulge a disciplinary report, letter, or reprimand to a third party without written notice.
		Mich. Comp. Laws Ann. § 37.2205a (West 1985).	An employer shall not, in connection with an application for employment, personnel, or membership, request or maintain a record of information regarding an arrest.
		Beaumont v. Brown, 65 Mich. App. 455, 237 N.W. 2d 501 (Mich. 1975).	A personnel director's letter to an employee's military commander inquiring about the employee's duties was not actionable under common law right to privacy.
		Earp v. City of Detroit, 16 Mich. App. 271, 167 N.W.2d 841 (1969).	Employer did not invade employee's right of privacy when it suspended employee as a result of information contained in a confidential police report of a police interview.
	References	Harrison v. Arrow Metal Products Corp., 20 Mich. App. 590, 174 N.W.2d 875 (1969).	An employee was discharged after an accusation of theft. His former employer subsequently responded to reference requests that the employee had been fired for theft. The communications to prospective employers were not protected by any privilege. The court stressed the serious effect of imputing criminal conduct to an employee.
	Defamation	Brantley v. Zantop Int'l Airlines, Inc., 617 F. Supp. 1032 (E.D. Mich. 1985).	The communication of an allegedly libelous statement concerning an employee within the corporation itself constitutes publication for purposes of a defamation action.
	False Light	Ledl v. Quik Pik Food Stores, Inc., 133 Mich. App. 583, 349 N.W.2d 529 (1984).	A discharged employee could not recover damages on the "false light" theory for invasion of privacy based upon an alleged communication to various persons by the former employer that the discharge was due to inventory shortages. The reason for termination was not broadcast to the public or to a large number of persons and the employee did not dispute that she was, in fact, terminated for inventory shortages.

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
MINNESOTA	Polygraphs	Minn. Stat. Ann. § 181.75 (West Supp. 1987); Gavel v. Two Plus Two, Inc., 309 N.W.2d 746 (Minn. 1981).	An employer may not, directly or indirectly, "solicit" or "require" a polygraph examination of an employee or applicant. If the employee requests a polygraph examination, the employer must inform the employee that the test is voluntary. The court upheld the constitutionality of the statute.
		Minn. Stat. Ann. § 181.76 (West Supp. 1987).	If an employee requests and submits to a polygraph examination, the results of the examination may only be distributed to those persons who are authorized by the employee to receive the results.
		Kamrath v. Suburban Nat. Bank, 363 N.W.2d 108 (Minn. Ct. App. 1985).	A bank employer who, in violation of a statute requested an employee to submit to a polygraph examination, was held liable for invasion of privacy and intentional infliction of emotional distress as evidenced by the employee's nightmares and bed wetting following the examination.
		Jeffers v. Convoy Co., 636 F. Supp. 1337 (D. Minn. 1986).	An employee could bring an action under Minn. Stat. § 181.75 for civil damages or equitable relief where the employer forced the employee to submit to the lie detector examination. However, no private cause of action existed under Minn. Stat. § 181.76 making employer's use of polygraph tests on employees a misdemeanor.
	Personal Relationships	State By Johnson v. Porter Farms, Inc., 382 N.W.2d 543 (Minn. Ct. App. 1986).	Statutory prohibition against discharging employee because of "marital status" extends to refusing to hire and firing individuals living with but not married to persons of the opposite sex.
		Hunt v. IBM Mid-America Employees Fed. Credit Union, 358 N.W.2d 461 (Minn. Ct. App. 1984), rev'd, 384 N.W.2d 853 (Minn. 1986).	Assuming provisions of employee policy manual that prohibited co-workers dating became incorporated as part of at-will employee's contract, the employee was not improperly terminated, where employee declined to accept probationary status pursuant to the manual and chose instead to resign.
	Confidentiality of Employee Records	Minn. Stat. Ann. § 364.04 (West Supp. 1987).	The State of Minnesota may not use, distribute, or disseminate the following in connection with an application for public employment: arrest records not followed by conviction, conviction that has been annulled or expunged, or misdemeanor offenses for which no jail sentence has been imposed.
	Defamation	Frankson v. Design Space Int'l., 380 N.W.2d 560 (Minn. Ct. App.), cert. granted, ____ N.W.2d ___ (Minn. 1986).	The court upheld a damage award against an employer predicated upon in-house statements made by corporate employees and officials regarding the alleged reason for the employee's discharge. There was sufficient evidence that the statements were made with actual malice.
MISSISSIPPI	Political Activities	Miss. Code Ann. 79-1-9 (1972).	Provides a fine of $250 against a corporation for every unlawful interference with the social, civil, or political rights of any of its agents or employees.
	Defamation	Hooks v. McCall, 272 So. 2d 925 (Miss. 1973).	A discharged employee may not base a slander claim upon another employee's statement to a superior that the discharged employee was stealing equipment belonging to the employer where there was no showing that the statements were made with malice.
MISSOURI	Right to Privacy	Haith v. Model Cities Health Corp., 704 S.W.2d 684 (Mo. Ct. App. 1986).	Plaintiffs could bring an invasion of privacy claim based on allegations that the defendant wrongfully misappropriated their names in seeking additional grant money.
	Polygraphs	State ex. rel Bernsen v. City of Florissant, 641 S.W.2d 477 (Mo. Ct. App. 1982).	Use of polygraph on employee for investigative purposes as a means of clearing reputation of police after a charge of misconduct was not unlawful.
		Gibson v. Hummel, 688 S.W.2d 4 (Mo. Ct. App. 1985).	Conduct of convenience store operator in requiring an employee to take a polygraph examination and subsequently terminating her based on results of that examination did not amount to outrageous conduct sufficient to render the operator liable where more than one half of inventory shortages at the store were due to employee theft.
		NLRB v. Fixtures Mfg. Corp., 669 F.2d 547 (8th Cir. 1982).	The court held that even if the employee's motive in subjecting second employee to polygraph test was based on employee's union activities and not because employee was suspected of theft, the Board erred in ordering employee to be reinstated where polygraph test results implicated employee in serious misconduct and the Board did not consider whether that misconduct was the real reason for the employee's discharge.
		Ising v. Barnes Hosp., 674 S.W.2d 623 (Mo. Ct. App. 1984).	It was not a violation of public policy to discharge an at-will employee for refusing to sign a polygraph consent form saying the test was voluntary and releasing the polygraph examiner from liability.
	Personal Relationships	Lile v. Hancock Place School Dist., 701 S.W.2d 500 (Mo. Ct. App. 1985).	A teacher's right of privacy was not violated where the teacher was terminated due to alleged "immoral conduct" committed in his home involving two school-aged daughters of the woman with whom he lived.
		Duckworth v. Savad, 670 S.W.2d 88 (Mo. Ct. App. 1984).	The police department's termination of a police officer who allegedly engaged in sexual misconduct in a dormitory room, which was visible only by standing in a particular spot on a balcony, constituted an invasion of the terminated police officer's privacy.
	Confidentiality of Employee Records	Howard v. Marsh, 785 F.2d 645 (8th Cir.), cert. denied, ___U.S. ____, 107 S. Ct. 581 (1986).	The Privacy Act was not violated by the disclosure of records concerning a civilian employee of the military when the records were used by military officials in drafting a rebuttal to the employee's charges of sex discrimination.

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
	Political Activities	Mo. Stat. Ann. § 115.637(6) (Vernon Supp. 1987).	An employer who makes or enforces any order, rule, or regulation to prevent an employee from engaging in political activities has committed a misdemeanor.
	Freedom of Speech/First Amendment	Mo. Stat. Ann. § 578.115 (Vernon 1979).	Provides that no employee may be denied employment or advancement because of his refusal to work on his normal day of worship.
	Reasons for Termination	Mo. Stat. Ann. § 290.140 (Vernon Supp. 1986).	Provides that a private employer with seven or more employees must upon written request by the discharged employee provide a service letter written a year after leaving the job. Failure to comply will subject the employer to damages.
		Zib v. Federal Reserve Bank of Kansas City, 633 S.W.2d 432 (Mo. Ct. App. 1982).	The court interpreted the service letter statute as requiring only that the reason stated in the letter be the true reason for discharge; the reason itself need not be justified.
MONTANA	Right to Privacy	Mont. Const. art. II § 10.	"The right of the individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling State interest."
	Polygraphs	Mont. Code Ann. § 39-2-304 (1986).	No person, firm, or corporation shall require as a condition of employment or continuation of employment any person to take a polygraph test or any form of mechanical lie detector test. A person who violates this section is guilty of a misdemeanor. This section does not apply to public law enforcement agencies.
	Employee Investigations	State v. Brackman, 582 P.2d 1216 (Mont. 1978).	Electronic interception by third parties of conversations between individuals who neither consent to nor know of interception is a violation of their right to privacy.
	Personal Relationships	Storch v. Board of Directors of Eastern Montana Region Five Mental Health Center, 169 Mont. 176, 545 P.2d 644 (1976).	No invasion of privacy was found where a drug consultant was discharged based upon his "personal lifestyle." What an employee does in his private life should not be his employer's concern unless, as in this case, the employee was engaged in counseling people with personal problems, thus making his own personal philosophies relevant to his job performance.
	Political Activities	Mont. Code Ann. §§ 13-35-226, 228 (1985).	Implied or expressed threats by employers or promises calculated to influence the political opinions or actions of their employees are not permitted.
	Reasons for Termination	Mont. Code Ann. § 39-2-801 (1985).	A discharged employee must be furnished a written reason for his discharge if he requests. An employer who refuses to provide such a statement requested by the employee is prohibited from thereafter furnishing any statement of the reason for discharge to another potential employer.
		Fetherston v. Asarco, Inc., 635 F. Supp. 1443 (D. Mont. 1986).	Montana labor statute (Mont. Code Ann. § 39-2-801) requiring employers to furnish discharged employees complete written statements of reasons for discharge did not prevent employers from introducing reasons for discharge that were not provided at employee's request.

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
NEBRASKA	Drug Testing	Rushton v. Nebraska Public Power Dist., ___ F. Supp. ___, No. CV 86-L-308 (D. Neb. 1987).	A drug testing program that requires public utility employees with access to protected areas of a nuclear power plant to submit to drug screening at least once a year does not violate the employee's constitutional rights. The court notes that employees under these circumstances have a diminished expectation of privacy and the intrusion on the plaintiff's privacy is reasonable.
	Polygraphs	Neb. Rev. Stat. § 81-1932 (1981).	An employer may not "require" an employee or applicant to submit to "truth & deception" examination unless such employment involves law enforcement.
		Collins v. Baker's Supermarkets, Inc., 223 Neb. 365, 389 N.W.2d 774 (1986).	Requiring a worker who took a lie detector test to work for a lesser salary did not constitute termination of employment in violation of a statute.
	Political Activities	Neb. Rev. Stat. § 32-1223 (1984).	It shall be unlawful for any person to coerce or attempt to coerce any voter in his voting or other political action.
	Reasons for Termination	Neb. Rev. Stat. §§ 48-209; 48-211 (1984).	At the end of his employment an employee in Nebraska is entitled to a service letter.
NEVADA	Right to Privacy	Kemp v. Block, 607 F. Supp. 1262 (D. Nev. 1985).	An employee had no reasonable expectation that his argument in the work area with a foreman would be private since the argument took place in loud voices, the co-worker who recorded the conversation was in a place where he had a right to be, and the employee had no right to prevent other persons from entering the work area while the argument ensued.
	Polygraphs	Nev. Rev. Stat. § 648.183 and § 648.193 (1985).	Sets forth standards applicable to the administration and utilization of polygraph examination results. Additionally, an examiner is prohibited from making inquiries into the religion, political affiliations, affiliations with other labor organizations, or sexual activities of the person examined.
	Employee Investigations	Nev. Rev. Stat. § 613.160 (1985).	It is unlawful for an employer to discipline or discharge an employee based upon the report of a special agent, detective, or spotter, involving a question of integrity, honesty, or breach of rules, unless the employer gives notice and a hearing to the employee, and the employee may confront the person making the report at the hearing.
	Confidentiality of Employee Records	Nev. Rev. Stat. 613.075 (1985).	Any person or governmental entity who employs any person for wages or under a contract of hire shall, upon the request of the employer or person referred, give him a reasonable opportunity to inspect any records kept by that employer of that employee.

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
		Dunphy v. Sheehan, 92 Nev. 259, 549 P.2d 332 (1976).	The financial disclosure provisions of an ethics in government law requiring public officers to make certain financial disclosures were found to be unconstitutionally vague and an overbroad intrusion upon the right to privacy of public officers.
	Political Activities	Nev. Rev. Stat. § 613.040 (1986).	It shall be unlawful for any person, firm, or corporation doing business in the State of Nevada to make any rule or regulation prohibiting or preventing any employer from engaging in politics or becoming a candidate for any public office in this State. Civil damages are available.
	Defamation	Circus Circus Hotels, Inc. v. Witherspoon, 657 P.2d 101 (Nev. 1983).	Employer's letter to state adsinistrative agency reviewing employee claim for unemployment compensation was absolutely privileged. Former employer had a qualified privilege to make statements about the character or conduct of former employees to present or prospective employers.
NEW HAMPSHIRE	Polygraphs	O'Brien v. Papa Gino's of America, Inc., 780 F.2d 1067 (1st Cir. 1986).	An employer's policy, which included employee's submission to a polygraph when he was suspected of using drugs outside the workplace, violated an employee's common law right to privacy.
	Confidentiality of Employee Records	N.H. Rev. Stat. Ann. § 275.56 (Supp. 1986).	Every employer shall provide a reasonable opportunity for any employee who so requests to inspect such employee's personnel file and further, upon request, provide employer with a copy of all or part of such file.
NEW JERSEY	Right to Privacy	Devlin v. Greiner, 147 N.J. Super. 446, 371 A.2d 380 (1977).	New Jersey permits the common law privacy actions recognized in the Restatement (Second) of Torts, § 652 (1977). In an action based on claims arising out of a report of a private detective rendered prior to a divorce action, the court found that the detective had a duty to those he observed to report accurately on their activities.
	Drug Testing	Capua v. City of Plainfield, 643 F. Supp. 1507 (D. N.J. 1986).	Only those employees toward whom a reasonable suspicion of drug use on the job was established were compelled to submit urine samples or resign.
		Shoemaker v. Handel, 795 F.2d 1136 (3d Cir.), cert. denied, ___U.S.___, 107 S. Ct. 577 (1986).	Breathalyzer and urine testing of jockeys did not violate Fourth Amendment contention that the collection of medical information violated their rights of privacy. The claim was not ripe for adjudication.
	Polygraphs	N.J. Stat. Ann. § 2C:40A-1 (West Supp. 1987).	Protects employees from being discharged for refusing to take lie detector tests required as a condition of their employment (with certain exceptions for employers involved in the manufacture of drugs).
		State v. Community Distributors, Inc., 64 N.J. 479, 317 A.2d 697 (1974).	In view of the psychological compulsion exerted by defendant's requesting its employees to take polygraph tests, the tests were a "condition of continued employment" within the meaning of the

STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
			polygraph statute, and that statute was not unconstitutional as depriving defendant of the ability to protect its property.
		State v. Berkey Photo, Inc., 150 N.J. Super. 56, 374 A.2d 1226 (1977).	Employer violated the polygraph statute when it asked employees to take a polygraph as part of a police investigation. Even when the employees signed waivers, the employer made a "condition" of employment.
		State v. Vornado, Inc., 155 N.J. Super. 356, 382 A.2d 945 (1978).	It is not necessary for an employee to actually take a polygraph for an employer to unlawfully "influence" an employee to take the test.
	Genetic Testing	N.J. Stat. Ann. § 10:5-12a (West Supp. 1986).	An employer is prohibited from refusing to employ or from discharging from employment any individual because of an atypical cellular blood trait.
	Applicant Investigations	McKenna v. Fargo, 451 F. Supp. 1355 (D. N.J. 1978), aff'd, 601 F.2d 575 (3d Cir. 1979).	The interest of the city in screening out applicants who would not be able to handle the psychological pressures of the job was sufficient to justify an intrusion into the applicant's privacy by requiring psychological testing.
	Personal Relationships	Slohoda v United Parcel Serv., Inc., 193 N.J. Super. 586, 475 A.2d 618 (1984).	An employer's policy of discharging a married employee who engaged in adultery, but not an unmarried employee who has an illicit sexual relationship, is based in significant part on the employee's marital status, in violation of state law.
	Defamation	Rogozinski v. Airstream By Angell, 152 N.J. Super. 133, 377 A.2d 807 (1977).	The court held that the employer had a qualified privilege to make statements concerning employees to the unemployment compensation commission. Hence, the employer would not be liable in defamation for statements made without malice or ill intent.
NEW MEXICO	Political Activities	N.M. Stat. Ann. § 1-20-13 (1985).	Prohibits an employer from threatening to discharge or actually discharging an employee because of their political opinions or beliefs.
	Employment References	Gengler v. Phelps, 92 N.M. 465, 589 P.2d 1056 (Ct. App. 1978), cert. denied, 92 N.M. 353, 588 P.2d 554 (1979).	A former employee could not base a slander action upon his former employer's giving of a "less than desirable reference" to a potential employer.
	Defamation	Gengler v. Phelps, 92 N.M. 465, 589 P.2d 1056 (Ct. App. 1978), cert. denied, 92 N.M. 353, 588 P.2d 554 (1979).	Doctor is conditionally privileged for statements made about their former employee, a nurse, to a prospective employer. An absolute privilege also existed where the former employee consented to the publication by permitting her references to be contacted.
NEW YORK	Right to Privacy	McKinney's N.Y. Comp. Laws § 51 (West 1976).	Every person shall have the right of privacy to be secure from an appropriation of one's name.
		Caesar v. Chemical Bank, 66 N.Y.2d 698, 487, N.E.2d 275, 496 N.Y.S.2d 418 (1985).	A bank employee brought a class action suit against his employer for making use of the employees' photographs in advertisements

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
			without obtaining their written consent. The court held that oral or implied consent is a complete defense to a privacy action under the civil rights law.
	Polygraphs	N.Y. Lab. Law § 735 (McKinney Supp. 1987).	No employer or his agent will "require," "request," or "suggest," or "knowingly" permit any employee or applicant to submit to a "psychological stress evaluator" and no employer shall administer or utilize the results of such test for any reason whatsoever. Violation is a misdemeanor and employees may sue for damages.
		Scott v. Transkrit Corp., 91 A.D.2d 682, 457 N.Y.S. 2d 134 (1982).	Former employees were forbidden to rebut the employer's contention that the tests it had administered to employees were polygraph tests based on blood pressure, pulse beat, galvanic skin response, and breathing patterns and that such tests were not prohibited by labor law.
		People by Abrams v. Hamilton, 125 A.2d 1000, 511 N.Y.S.2d 190 (1986).	The court upholds a penalty imposed against an employer for incidents of sexual harassment of female job applicants during preemployment lie detector tests, notwithstanding management's contention that it was unsure of and did not condone his misconduct.
		Glover Bottled Gas Corp. v. Local Union No. 282, International Brotherhood of Teamsters, 711 F.2d 479 (2d Cir. 1983).	A New York employer is obligated to go to arbitration with the union representing its employees to discuss the employer's requirement that employee suspected of theft undergo a polygraph examination.
	Applicant Investigations	N.Y. Lab. Law § 201-a (McKinney 1986).	No person may be required to be fingerprinted as a job prerequisite or as a condition of continued employment. The statute excludes public employees.
		N.Y. Exec. Law § 296(16) (McKinney Supp. 1987).	Prohibits an employer from making inquiries or acting adversely against a person on the basis of an arrest or criminal accusation that was terminated in favor of that person.
	Employee Investigations	DeLury v. Kretchmer, 66 Misc. 2d 897, 322 N.Y.S.2d 517 (1971).	Sanitation employees' rights to privacy were not invaded where pictures of them were taken without their permission to be shown to witnesses who claimed that sanitation employees were collecting waste from comsercial enterprises for their own remuneration.
	Confidentiality of Employee Records	N.Y. Exec. Law § 296(16) (McKinney Supp. 1987).	It shall be an unlawful discriminatory practice for any person, agency, bureau, or association to make any inquiry about any arrest or criminal accusation of such individual not then pending against the individual.
		Carpenter v. City of Plattsburgh, 484 N.Y.S.2d 284, 105 A.D. 296 (1985).	New York civil rights law, which protects confidentiality of personnel records of law enforcement officers, created no private right of action. New York narrowly defines the right of privacy, and federal privacy protection does not extend to a state statutory violation.

STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
	Political Activities	N.Y. Elec. Law § 17-150, 17-154 (McKinney 1978).	It is a misdemeanor for an employer to make threats calculated to influence the political opinions or actions of employees.
		Socialist Workers Party v. Attorney General of the United States, 642 F. Supp. 1357 (S.D.N.Y. 1986).	The FBI's use of informants in the Socialist Workers Party organization constituted an invasion of privacy, where the program was designed to ferret out private matters rather than information of a public nature.
	Defamation	Loughry v. Lincoln First Bank, N.A., 67 N.Y.2d 369, 494 N.E.2d 70, 502 N.Y.S.2d 965 (1986).	Statements of four security officers alleging that employee used and sold cocaine made in a confidential meeting may be qualifiedly privileged but the privilege was lost because the statements were made with malice. Employer was liable for compensatory damages for slander by its agents, but not for punitive damages because neither employee was a "superior officer" of the company.
NORTH CAROLINA	Polygraphs	Atkins v. City of Greensboro, ___ F. Supp. ___, 39 EPD 35,916 (M.D. N.C. 1985).	Discharge of several police officers was proper after an investigation (including lie detector tests) indicated that they had used illegal drugs.
	Genetic Testing	N.C. Gen. Stat. § 95-28.1 (1985).	Prohibits discrimination against, or the discharge of, any person from employment on account of his or her possession of sickle cell anemia.
	Confidentiality of Employee Records	N.C. Gen. Stat. § 126-23 (1986).	Subject only to rules and regulations for safekeeping of the records adopted by the State personnel commission, every person having custody of such records shall permit them to be inspected and examined and copies thereof made by any person during regular business hours.
	Reasons for Termination	Trought v. Richardson, 78 N.C. App. 758, 338 S.E.2d 617, rev. denied, 344 S.E.2d 18 (N.C. 1986).	A discharged hospital employee had no claim against the hospital or other employees for invasion of privacy based upon public disclosure of private facts where the other hospital employees stated in an employee meeting that the discharged employee's reason for termination was "lack of credibility."
NORTH DAKOTA	Confidentiality of Employee Records	City of Grand Forks v. Grand Forks Herald, Inc., 307 N.W.2d 572 (N.D. 1981).	A former chief of police's personnel file, maintained by the city's director of personnel, was subject to disclosure because it constituted a "public record" within the meaning of article XI, § 6 of the North Dakota Constitution and § 44-04-18 of the North Dakota Century Code.
	Political Activities	N.D. Century Code § 44-08-19 (Allen-Smith 1978).	Nothing shall prevent a public employee from engaging in political activities while not on duty or in uniform.
OHIO	Applicant Investigations	Ohio Rev. Code Ann. § 2953.43(A)-(B) (Anderson 1982).	Applicants for employment may respond to inquiries regarding expunged arrest records as if the arrest did not occur. State officers and employees may not make available for employment purposes any information regarding expunged arrest records.

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
	Confidentiality of Employee Records	Ohio Rev. Code Ann. § 4113.23(A) (Anderson 1973).	No employer or physician shall refuse upon written request of an employee to furnish the employee or former employee or their designated representative a copy of any medical report pertaining to the employee.
		Dispatch Printing Co. v. Wells, 18 Ohio St. 3d 382, 481 N.E.2d 632 (1985).	A newspaper was entitled to reasonable access to all information contained in a former police chief's personnel files following his demotion to detective, which could be released under a statute governing public records.
		Levias v. United Airlines, 27 Ohio App. 3d 222, 500 N.E.2d 370 (1985).	Airlines medical examiner wrongfully disclosed medical information regarding the reasons for a flight attendant's waiver of weight limits to a male supervisor who had no compelling reason to know that information, in breach of the flight attendant's right of privacy.
	Defamation	Rady v. Forest City Enter., Inc., 489 N.E.2d 1090 (Ohio Com. Pl. 1986).	The court found sufficient evidence to support the jury's conclusion that the employer's defamatory statements regarding a former employee were motivated by actual malice.
OKLAHOMA	Right to Privacy	Okla. Stat. Ann. tit. 21 § 839.1 (West 1983).	Any person, firm, or corporation that uses for the purposes of advertising for the sale of any goods, wares, or merchandise, or for the solicitation of patronage by any business enterprise, the name, portrait, or picture of any person, without having obtained the consent of such person, is guilty of a misdemeanor.
		Eddy v. Brown, 715 P.2d 74 (Okla. 1986).	The fact that limited numbers of co-workers heard that employee was undergoing psychiatric treatment did not amount to publicity in sense of disclosure to general public, and thus the employer's disclosures were not actionable.
	Employee Investigations	Simmons v. Southwestern Bell Tel. Co., 452 F. Supp. 392 (W.D. Okla. 1978), aff'd 611 F.2d 342 (10th Cir. 1979).	An employer did not invade a former employee's constitutional right to privacy where the employer monitored employee's telephone conversations at a "test desk" telephone. The former employee had no reasonable expectation of privacy where the employee was informed that the telephones would be monitored.
	Personal Relationships	Okla. Stat. Ann. tit. 70, § 6-103.15 (West Supp. 1987); Board of Education of Oklahoma City v. National Gay Task Force, 470 U.S. 903 (1985).	The Supreme Court let stand a Tenth Circuit ruling that Oklahoma's law prohibiting teachers from advocating public or private homosexual activity was unconstitutional. Oklahoma law now authorizes the dismissal of teachers and school personnel who have engaged in sodomy, or who solicit or impose sodomy during school, if this activity "has impeded the effectiveness" of the teacher's work performance.
	Reasons for Termination	Okla. Stat. Ann. tit. 40, § 171 (West 1986).	Public service corporations and their contractors are required to provide a discharged employee with a service letter stating the duration and nature of their services, and the course for their learning. Failure to issue such a letter upon request is a misdemeanor.

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
	Defamation	Anson v. Erlanger Minerals & Metals, Inc., 702 P.2d 393 (Okla. Ct. App. 1985).	An employee discharged from his position later brought an action for slander against his immediate supervisor and other company executives for publication of statements that he had been discharged for "playing fast and loose with company funds." Court remanded because there were issues of material fact.
OREGON	Right to Privacy	Bodewig v. K-Mart, Inc., 54 Or. App. 480, 635 P.2d 657 (1981), rev. denied, 292 Or. 450, 644 P.2d 1128 (1982).	An applicant could submit to the jury the question of whether the conduct of an employer's manager exceeded the bounds of social tolerance when the manager, a 32-year old male who after concluding that the employee did not take the customer's money, put her through a degrading and humiliating experience of submitting to a strip search in order to satisfy a customer.
	Drug Testing	Paper Workers v. Boise Cascade Corp., ___F. Supp. ___, 1 IER Cases 1072 (D. Ore. 1986).	Court upheld an employer's program requiring employees involved in on-the-job accidents to submit to drug and alcohol testing when reporting an injury on a worker's compensation claim, despite a contention that such requirements violate an Oregon statute forbidding discrimination against workers who apply for benefits or invoke the procedures of the statute.
	Polygraphs	Or. Rev. Stat. § 659.225 (1985).	No person shall require a a condition for employment or continuation of employment any person or employee to take a breathalyzer test, polygraph test, or any other form of lie detection test.
	Applicant Investigations	Or. Rev. Stat. § 181.555 (1985).	Describes the procedures governing disclosure by the state of criminal offender information regarding any conviction or arrests less than one year old on which there has been no acquittal or dismissal.
	Employee Investigations	Hall v. May Dep't. Stores Co., 292 Or. 131, 637 P.2d 126 (1981).	A department store employee, accused of theft by her employer, was threatened and interrogated in an attempt to force a confession from the employee of stealing. The court found that the "cold-blooded tactic of interrogation upon scanty evidence" could support a recovery for the tort of outrage.
		McLain v. Boise Cascade Corp., 271 Or. 549, 533 P.2d 343 (1975).	An employee seeking worker's compensation waives his right of privacy to the extent of a reasonable investigation by employer or his agents regarding the employee's alleged injury. Any surveillance by the employer or his agents must be conducted in a reasonable and unobtrusive manner.
	Personal Relationships	Or. Rev. Stat. § 659.340 (1981).	Except as otherwise provided in this Act, it is an unlawful employment practice for an employer solely because another member of an individual's family works or has worked for that employer to refuse to hire or employ an individual.

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
		Patton Co., Inc. v. V.C. Penney, 301 Or. 117, 719 P.2d 854 (1986); Karsen v. Far West Fed. Savings, 79 Or. App. 131, 717 P.2d 1271, rev. denied, 301 Or. 666, 725 P.2d 1293 (1986).	The employer was not liable for infliction of emotional distress, when the employer fired the employee for refusing to discontinue a relationship with a female co-worker.
	Confidentiality of Employee Records	Or. Rev. Stat. § 652.750(2) (1981).	At the request of an employee, his employer shall provide a reasonable opportunity for the employee to inspect those personnel records of the employee that are used or have been used to determine the employee's qualifications for employment, promotion, additional compensation, or employment termination.
	Defamation	Walsh v. Consolidated Freightways, Inc., 563 P.2d 1205 (Or. 1977).	The law clearly recognizes that a former employer has a qualified privilege to make defamatory communications about the character or conduct of his employees to present or prospective employers. However, this privilege is not absolute.
		Shirley v. Freunscht, 81 Or. App. 221, 724 P.2d 907 (1986).	Statements made by an insurance agent to clients and others concerning former agent's business practices could be entitled to a qualified privilege if made to protect the interests of the insurance company.
PENNSYLVANIA	Right to Privacy	Wells v. Thomas, 569 F. Supp. 426 (E.D. Pa. 1983).	Alleged disclosure of terms of plaintiff's separation agreement, entered into between personnel director and university hospital, to other hospital employees did not constitute requisite level of publicity required to state a valid claim for invasion of privacy by publicity given to private life.
	Polygraphs	Pa. Stat. Ann. tit. 18 § 7321 (Purdon 1983). Perks v. Firestone Tire & Rubber Co., 611 F.2d 1363 (3d Cir. 1979).	An employer may not "require" an employee or other individual to submit to a lie detector test as a condition of employment. The statute embodies a recognized facet of public policy within Pennsylvania rule that intrusion of an employer into an area of an employee's life by virtue of an employer's power of discharge may give rise to a cause of action.
		Pa. Stat. Ann. tit. 18 § 7507 (Purdon 1983).	A person commits a misdemeanor if he uses a psychological stress evaluator, an audio-stress monitor, or a similar device that measures voice waves or tonal inflections to judge the truth or falsity of oral statements without the consent of the person whose statement is being tested.
		Smith v. Greyhound Lines, Inc., 614 F. Supp. 558 (W.D. Pa. 1984), aff'd, 800 F.2d 1139 (3d Cir. 1986).	An employee could not maintain an action under Pennsylvania law for wrongful discharge based on use of polygraphs in contravention of public policy. That law is designed solely for the protection of at-will employees.
		Molush v. Orkin Exterminating Co., Inc., 547 F. Supp. 54 (E.D. Pa. 1982).	A discharged employee has implied cause of action against his employer for wrongful discharge when he is fired for refusing to take a polygraph examination in violation of the Pennsylvania anti-polygraph statute.
		Polsky v. Radio Shack, 666 F.2d 824 (3d Cir. 1981).	When an employee can show compulsion under threat of job termination to sign a release from liability under statute prohibiting employer from requiring an employee to submit to a polygraph examination as a condition for employment, the employee need not show duress to invalidate the release because it would contravene public policy of the state.
	Applicant Investigations	Pa. Stat. Ann. tit. 18 § 9125 (Purdon 1983).	Whenever an employer is in receipt of information that is part of an employment applicant's criminal history record information file, it may use that information for the purposes of deciding whether to hire the applicant.
		Fraternal Order of Police, Lodge No. 5 v. City of Philadelphia, 812 F.2d 105 (3d Cir. 1987).	Questions in application for police department's special investigation unit pertaining to applicant's physical and mental condition, financial status, gambling habits, and alcohol consumption, and arrest records did not unconstitutionally infringe upon applicant's privacy interest.
	Employee Investigations	Spencer v. General Tel. Co. of Pennsylvania, 551 F. Supp. 896 (1982).	Public telephone company's policy requiring employees to sign a form consenting to investigations to screen out security risks did not constitute common law tort of invasion of privacy.
		Rogers v. International Business Machines Corp., 500 F. Supp. 867 (W.D. Pa. 1980).	Where the employer's decision to terminate was based on the rationale that the employee's relationship with another employee exceeded reasonable business associations, the employer's investigation (which included examination of company records and interviews of employees) did not violate the employee's privacy expectations.
		Marks v. Bell Tel. Co. of Pennsylvania, 460 Pa. 73, 331 A.2d 424 (1975).	No tort of invasion of privacy was committed in the absence of an intentional overhearing of a private conversation during a wire tap.
		Vernars v. Young, 539 F.2d 966 (3d Cir. 1976).	The opening of a co-employee's mail and reading it without authority, like intentionally overhearing the telephone conversation of another, is an intrusion on the right to privacy.
		Shuman v. City of Philadelphia, 470 F. Supp. 449 (E.D. Pa. 1979).	In the absence of a showing that a policeman's private, off-duty personal activities have an impact upon his on-the-job performance, the court found that inquiry into those activities violates the constitutionally protected right of privacy.
	Personal Relationships	Turner v. Letterkenny Fed. Credit Union, 351 Pa. Super 51, 505 A.2d 259 (1985).	An employee was not wrongfully discharged after warnings from the board that his relationship with his subordinates was extremely disappointing. The court reversed because the employee's wrongful discharge

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
			claim did not fall within a permissible public policy exception to the employment-at-will doctrine.
		Staats v. Ohio Nat'l Life Ins. Co., 620 F. Supp. 118 (W.D. Pa. 1985).	The court found that the right to associate with a non-spouse at an employer's convention is hardly the kind of threat to "some recognized facet of public policy" viewed by Pennsylvania courts as sufficient to support the tort of wrongful discharge.
	Confidentiality of Employee Records	Pa. Stat. tit. 43, § 1322 (Purdon Supp. 1986).	An employer shall, at reasonable times, upon request of an employee permit that employee to inspect his or her own personnel files used to determine his or her own qualifications for employment, promotion, additional compensation, termination, or disciplinary action.
		Duquesne Light Co. v. Commonwealth Unemployment Compensation Bd. of Review, 82 Pa. Commw. 34, 474 A.2d 407 (1984).	An employee's exercise of his legally protected right under the Federal Privacy Act not to disclose medical information required for renewal of his nuclear control operator's license cannot disqualify the employee for unemployment compensation benefits where the employer discharged rather than transferred him to another position.
		Pryor v. Commonwealth Unemployment Compensation Bd. of Review, 82 Pa. Commw. 523, 475 A.2d 1350 (1984).	An employee was unreasonable in her refusal to submit to an employer-requested psychiatric examination due to her fear that doing so would reveal information that would then be forwarded to the employer and that might be detrimental to the litigation she presently pursued against the employer.
		Patton v. Federal Bureau of Investigation, 626 F. Supp. 445 (M.D. Pa.), aff'd, 782 F.2d 1030 (3d Cir. 1986).	Information from a rejected employment applicant's file, which contained material that would not have been revealed absent express promise of confidentiality, was exempted from disclosure by the Privacy Act, which exempts disclosure of information that reveals the identity of the source who expressly promised that the identity would be held in confidence.
	Political Activities	Novosel v. Nationwide Ins. Co., 721 F.2d 894 (3d Cir. 1983).	Former employee's allegation of discharge for refusal to participate in former employee's lobbying effort and his privately stated opposition to company's political stand stated a claim for wrongful discharge.
	Freedom of Speech/First Amendment	Martin v. Capital Cities Media, Inc., 354 Pa. Super. 199, 511 A.2d 830 (1985).	Discharge of an employee who placed advertisement in competing newspaper did not violate public policy so as to justify the employee's wrongful discharge action. An employer may discharge an employee if he has a plausible and legitimate reason for doing so.
	Defamation	Geyer v. Steinbronn, 351 Pa. Super. 536, 506 A.2d 901 (1986).	The court upheld a jury finding that a former employer lied to a prospective employee, saying he had forged checks, drank on the

STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
			job, and had wrecked a company car that he had taken without permission. In the employee's suit for defamation, the court held that the statements were defamatory in the context of the employee pursuing a career as a security guard.
		Krochalis v. Insurance Co. of North America, 629 F. Supp. 1360 (E.D. Pa. 1985).	A genuine issue of fact existed whether specifically identified communications by a supervisor concerning an employee's misuse of company funds were defamatory, or invaded worker's privacy by placing him in a false light.
		Elbashbashy v. Franklin Inst., 618 F. Supp. 170 (E.D. Pa. 1985).	The court held that the statement in the employee's employment record that he was terminated for "lack of cooperation" could be defamatory.
		Burns v. Supermarkets Gen. Corp., 615 F. Supp. 154 (E.D. Pa. 1985).	A statement by an employee's supervisor that mislabeling product, for which the employee was discharged, was "like stealing" was not defamatory and was protected by a conditional privilege.
PUERTO RICO	Political Activities	P.R. Laws Ann. tit. 29, § 146 (1985).	Prohibits the discharge of an employee because of age, race, color, sex, social or national origin, or social position, or political or religious beliefs.
		P.R. Laws Ann. tit. 29, § 136 (1985).	Proscribes the discharge based upon an employee's political affiliation. The aggrieved employer can sue for double damages, in addition to reinstatement.
	Defamation	Vargas v. Royal Bank of Canada, 604 F. Supp. 1036 (D. P.R. 1985).	The bank's communication to other employees to the effect that the employees had been indefinitely suspended was held to be privileged, since the communication had been made to persons within the business association.
RHODE ISLAND	Right to Privacy	R.I. Gen. Laws § 9-1-28.1 (Michie Supp. 1983).	It is the policy of this state that every person shall have the right to privacy, which includes the right to be secure from unreasonable intrusion upon one's physical solitude, the right to be secure from an appropriation of one's name, the right to be secure from unreasonable publicity, and the right to be secure from publicity that reasonably places another in a false light.
	Polygraphs	R.I. Gen. Laws § 28-6.1, § 28-6.2 (1986).	No employer or agent shall request, require, or subject any employee or person applying for employment to any lie detector tests as a condition of employment or continued employment.
	Applicant Investigations	R.I. Gen. Laws § 28-5-7G (Supp. 1985).	An employer may not, orally or in writing, inquire about information regarding an applicant's prior arrests or criminal charges. An employer may ask an applicant about criminal convictions.
	Employee Investigations	R.I. Gen. Laws § 28-7-13(1) (1986).	It is an unfair labor practice for an employer to spy upon or keep under surveillance whether directly or through agents, any

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
			activities of employees or their representatives in exercise of their rights and to engage in connected activities under § 28-7-17 to self-organization collective bargaining.
	Confidentiality of Employee Records	R.I. Gen. Laws § 28-6.4-1 (1986).	Every employer shall, after a written, seven days advance notice, permit an employee to inspect such personnel files that are used or have been used to determine that employee qualifications for employment, promotion, additional compensation, termination, or disciplinary action.
		R.I. Gen. Laws § 5-37.3-4 (Supp. 1986).	Except as otherwise provided in this Act, a patient's confidential health care information shall not be released or transferred without the written consent of such patient.
	Political Activities	R.I.Gen. Laws § 17-23-6 (1981).	It is a felony for an employer to attempt to influence the political actions or opinions of employees by threats, arguments, or statements.
	Defamation	Swanson v. Speidel Corp., 110 R.I. 335, 293 A.2d 307 (1972).	A qualified privilege protects intra-company communications, including a written termination notice sent by plaintiff's superiors to the personnel department. The same qualified privilege extends to communications to prospective employers whether the former employer acted in good faith or with malice is for the jury.
SOUTH CAROLINA	Right to Privacy	S.C. Const. art. I, § 10 (1971).	"The right of the people to be secure in their houses, persons, papers, and offices against unreasonable searches and seizures and unreasonable invasions of privacy shall not be violated."
		Corder v. Champion Road Machinery Int'l Corp., 283 S.C. 520, 324 S.E.2d 79 (Ct. App. 1984).	Alleged threats of discharge did not constitute a cause of action for the invasion of an employee's privacy.
	Drug Testing	Satterfield v. Lockheed Missiles and Space Co., 617 F. Supp. 1359 (D. S.C. 1985).	An employer did not invade an at-will employee's right to privacy when the employee was terminated based on a positive urinalysis to detect drug use. The only publication of the test results and the reason for termination were made by the employee.
	Political Activities	S.C. Code of Laws § 16-17-560 (Law. Co-Op. 1985).	Whosoever shall assault or intimidate any citizen because of political opinion or the exercise of political rights and privileges guaranteed to every citizen of the U.S. by the Constitution and laws thereof shall be guilty of a misdemeanor.
	Defamation	Tyler v. Macke Stores of South Carolina, 275 S.C. 456, 272 S.E.2d 633 (1980).	Employee who was discharged after he submitted to a polygraph test can allege sufficient legal basis for defamation suit based on the possibility that other fellow employees might infer he was discharged for a wrongful activity.

STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
	False Light	Todd v. South Carolina Farm Bureau Mutual Ins., 278 S.E.2d 607 (S.C. 1981).	Allegations by former employee that defendants wrongfully accused former employee of leaking information from an investigation of fire loss claims to an arsonist, supported former employee's cause of action against defendants for invasion of his right of privacy.
SOUTH DAKOTA	Confidentiality of Employee Records	S.D. Codified Laws § 3-6A-31 (1985).	Any records required or maintained by the bureau of personnel that pertain to an employee must be available and open to inspection by an employee during normal business working hours.
	Defamation	Ruple v. Wainsug, 328 N.W.2d 857 (S.D. 1983).	A communication sent by a city manager to a mayor with respect to a finance officer's problems was privileged.
TENNESSEE	Polygraphs	Tenn. Code Ann. § 62-27-123 (Supp. 1986).	Limits the scope of such examinations by making it unlawful for the examiner to inquire into the examinee's beliefs or opinions regarding religion, politics, or racial or union matters, or his sexual preference or activities, unless the examination is given as the result of an investigation into the examinee's illegal activity in one of those areas.
		Tenn. Code Ann. § 62-27-125 (1986).	Each prospective examiner shall be required to sign a notification prior to the examination that acknowledges his or her consent to the examination and his or her knowledge of the right to refuse testing.
		Tenn. Code Ann. § 62-27-128 (Michie 1986).	Provides that no employer may take any adverse personnel action based solely on the results of a polygraph examination.
	Employee Investigations	Beard v. Akzona, Inc., 517 F. Supp. 128 (E.D. Tenn. 1981).	Former employee unsuccessfully brought action against her former employer for invasion of privacy resulting from disclosure of contents of unrestricted telephone communications to her employer during an investigation conducted by her husband.
		International Union v. Garner, 601 F. Supp. 187 (M.D. Tenn. 1985).	Employees, who were also union organizers, unsuccessfully brought an action for invasion of privacy alleging that their managers and police officers engaged in surveillance of union meetings and conveyed information regarding identity of persons attending meetings to their employers.
	Confidentiality of Employee Records	Tenn. Code Ann. § 8-50-108 (1981).	Any state employee is entitled the access, at any reasonable time, to his personnel files.
TEXAS	Drug Testing	Houston Belt & Terminal Ry. Co. v. Wherry, 548 S.W.2d 743 (Tex. Ct. App.), appeal dismissed, 434 U.S. 962 (1977).	An employer was liable for defamation when he released an internal accident report and letter erroneously stating, based upon results of a drug test, that the discharged employee was a recovering heroin addict.
	Polygraphs	Tex. Civ. Stat. art. 4413 (29cc) (Vernon Supp. 1987).	A polygraph examiner must inform an employee that a test is voluntary.
		Talent v. City of Abilene, 508 S.W.2d 592 (Tex. 1974).	Court reversed and reinstated a fireman who was dismissed for failure to submit to polygraph

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
			after he was charged with a crime not relating to the performance of a fireman's official duties or to his accounting for his public trust.
		Richardson v. City of Pasadena, 500 S.W.2d 175 (Tex. Ct. App. 1973), rev'd 513 S.W.2d 1 (Tex. 1974).	Dismissal of police officer from the department for insubordination due to refusal to submit to a polygraph examination was lawful.
		Guidon v. McCorkle, 680 F.2d 1070 (5th Cir. 1982), cert. denied, 459 U.S. 1206 (1983).	Polygraph questions of public employees relating to whether the employee might have telephoned a bomb threat to his or her employer's location during working hours relate to the performance of official duties such that the employee may be dismissed for refusing to answer questions.
		Texas Dep't of Mental Health v. Texas State Employees Union, 708 S.W.2d 498 (Tex. Ct. App. 1986).	The court held that the use of control questions in a polygraph examination would not be an unreasonable intrusion upon employee's privacy where a neutral agency official determined, after balancing the public interest against the employee's privacy rights, that the examination was reasonable and the employee was given advance notice of the examination and opportunity to protest.
	Applicant Investigation	Tex. Rev. Civ. Stat. art. 6252-17a (Vernon Supp. 1987).	Any institution of higher education is entitled to obtain criminal history record information pertaining to an applicant for a security-sensitive position.
	Employee Investigations	K-Mart Corp. Store No. 7441 v. Trotti, 677 S.W.2d 632 (Tex. Ct. App. 1984).	An employer had created a legitimate expectation of privacy in the locker assigned to an employee, even though employee used his own lock, and thus was not liable for an unconsented-to search of the employee's purse in the locker.
	Reasons for Termination	Tex. Rev. Civ. Stat. Ann. art. 5196f (1987).	Provides that a corporate employee who is discharged is entitled to a service letter from the employer stating the reasons for the discharge, but the contents of this letter cannot be made the basis of a libel claim against the employer furnishing it.
	Defamation	Frank B. Hall & Co., Inc. v. Buck, 678 S.W.2d 612 (Tex. Ct. App. 1984), cert. denied, 472 U.S. 1009 (1985).	After termination, former employee brought defamation action claiming his reputation had been injured when the employer made derogatory statements to the investigator. The court concluded there was ample evidence of ill will toward the former employee, from which the jury concluded that the statements were made in reckless disregard of the truth.
UTAH	Right to Privacy	Utah Code Ann. § 45-33 (Allen-Smith 1982).	The personal identity of an individual has been abused if an advertisement is published in which the personal identity of that individual is used in a manner that implies that the individual approves of the product; and consent has not been obtained for such use from the individual.

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
	Drug Testing	Utah Code Ann. § 34-38-1 (Supp. 1987).	The legislature finds that fair and equitable testing for drug and alcohol in the workplace is in the best interests of all parties.
	Polygraphs	Utah Code Ann. § 34-37-16 (Supp. 1986).	An employee's refusal to take a deception detection test cannot be the basis for an employer's decision to terminate.
	Confidentiality of Employee Records	Utah Code Ann. § 67-18-1 (1977).	Public employees have the right to examine and make copies of documents in their personnel files. Documents classified as "confidential" may not be copied or examined.
		KUTV, Inc. v. Utah State Bd. of Educ., 689 P.2d 1357 (Utah 1984).	The results of a survey administered to school personnel, which were designed to elicit responses concerning discrimination in high school, were considered "public records" and therefore subject to disclosure, although disclosure might prove embarrassing and detrimental to certain individuals.
	Political Activities	Utah Code Ann. § 20-13-6 (1984).	It is a misdemeanor for an employer to make threats in order to influence an employee's political opinions or actions.
VERMONT	Polygraphs	Vt. Stat. Ann. tit. 21, § 494a to 494e (Supp. 1986).	Employers may not require employees to take a polygraph as a condition of employment or change in status of employment. Employers exempted from this prohibition are police and sheriff departments, any employer authorized or required by federal law or regulations to administer polygraph examinations, sellers of precious metals or gems, and manufacturers and sellers of drugs.
	Confidentiality of Employee Records	Vt. Stat. Ann. tit. 1, § 317(b)(7) (1985).	Personnel files are not considered "public records" and are therefore not subject to inspection by any person other than the employee to which the files pertain or his or her designated representative.
VIRGINIA	Right to Privacy	Va. Code Ann. § 8.01-40 (1984).	Prohibits the use of a person's name, portrait, or picture without his consent, for commercial purposes.
		Brown v. American Broadcasting Co., Inc., 704 F.2d 1296 (4th Cir. 1983).	An action for invasion of privacy in Virginia is limited to the right created by Va. Code Ann. § 8.01-40. Thus, common-law right of privacy would not be recognized in an action arising from a television broadcast.
		Fenton v. Newport News School Board, 632 F. Supp. 1056 (E.D. Va. 1986).	School district's interest in protecting children from exposure to an unmarried, pregnant teacher does not outweigh the teacher's privacy interest in exercising her constitutional right to bear children out of wedlock, even if school district's interest was legitimate.
	Polygraphs	Va. Code Ann. § 40.1-51.4:3 (1978).	No employer shall require a prospective employee to answer questions in a polygraph test concerning the prospective employee's sexual activities unless such sexual activity has resulted in a conviction of a violation of the criminal laws of Virginia.

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
	Applicant Investigations	Va. Code Ann. § 19.2-392.4 A and B (1983).	An employer, educational institution, or state or local government shall not in any application or investigation require an applicant for employment to disclose information concerning an arrest or criminal charge against him that has been expunged.
		Core v. United States Postal Service, 730 F.2d 964 (4th Cir. 1984).	Freedom of Information Act required release of requested information about successful applicants, but exemption for personnel, medical, and similar files precluded disclosure of information about other applicants.
	Confidentiality of Employee Records	Va. Code Ann. § 6.1-377 (1983).	Provides rules for maintenance, use, and dissemination of personal information.
	Defamation	Great Coastal Express, Inc. v. Ellington, 230 Va. 142, 334 S.E.2d 846 (1985).	After a truck driver's discharge, allegedly for offering a bribe to a shop foreman, a company supervisor announced at a meeting that the driver was fired for trying to bribe a mechanic. The court affirmed a judgment for the driver, finding that the accusation of "commercial bribery" was slanderous per se because it accused the employer of an offense involving moral turpitude.
VIRGIN ISLANDS	Polygraphs	Robinson v. Hess Oil Virgin Islands Corp., 19 V.I. 106 (1982).	The plaintiff alleged that he had been discharged because of the results of a negligently conducted polygraph examination. Although there was no statute in the Virgin Islands regulating an employer's use of polygraph examinations, this did not bar the plaintiff's cause of action.
	Confidentiality of Employee Records	V.I. Code Ann. tit. 24, § 422 (Supp. 1985).	Upon request, an employer is required to make an employee's personal file available to him for inspection at reasonable times.
WASHINGTON	Right to Privacy	Wash. Const. art. I, § 7.	"No person shall be disturbed in his private affairs, or have his home invaded, without authority of law."
		Eastwood v. Cascade Broadcasting Co., 106 Wash. 2d 466, 722 P.2d 1295 (1986).	A plaintiff need not be defamed in order to bring a false light invasion of privacy action. It is enough that he is given unreasonable and highly objectionable publicity that attributes to him characteristics, conducts, or beliefs that are false, and so is placed before the public in a false position.
	Polygraphs	Wash. Rev. Code Ann. § 49.44.120 and § 49.44.130 (Supp. 1987).	Employers are prohibited from requiring that employees take a lie detector test as a condition for law enforcement jobs and for employees who manufacture, distribute, or dispense controlled substances or who have sensitive positions directly involving national security.
	Personal Relationships	Trumbauer v. Group Health Co-op. of Puget Sound, 635 F. Supp. 543 (W.D. Wash. 1986).	Employer that allegedly knew about probationary employee's relationship with his supervisor when the employee was hired and that allegedly had not enforced its anti-nepotism policy against other employees was not estopped from discharging the probationary employee based upon his relationship with the supervisor, where employee was terminable at will.
	Confidentiality of Employee Records	Wash. Rev. Code. § ch. 49.12.240 (West Supp. 1987).	Every employer shall, at least annually, permit the requesting employee to inspect any or all of his or her own personnel files.
		Jeffers v. City of Seattle, 23 Wash. App. 301, 597 P.2d 899 (1979).	A former police officer, by requesting a disability pension and its continuation, waived his right of privacy pertaining to his medical condition, providing investigation was of such condition as carried out in a reasonable manner.
WEST VIRGINIA	Polygraphs	W. Va. Code § 21-5-5b (1985).	No public or private employer can require an employee to submit to a polygraph test. This prohibition does not apply to employers who are law enforcement agencies or state military forces, or who manufacture or distribute drugs.
		Cordle v. General Hugh Mercer Corp., 325 S.E.2d 111 (W. Va. 1984).	It is contrary to the public policy of West Virginia for an employer to require or request that an employee submit a polygraph test or similar test as a condition of employment.
	Confidentiality of Employee Records	Davis v. Monsanto, 627 F. Supp. 418 (S.D. W.Va. 1986).	The employer's limited disclosure of confidential information concerning an employee's psychiatric condition was privileged where the safety of other employees was involved. There was also insufficient publicity to establish cause of action for public disclosure of private facts.
	Political Activities	W.Va. Code § 3-8-11 (1987).	It is also a misdemeanor for an employer to threaten an employee intending to influence the employee's political views or actions.
WISCONSIN	Right to Privacy	Wis. Stat. Ann. § 895.50 (West 1983).	Provides a statutory right to privacy, as stated in Restatement (Second) of Torts § 652 (1977) and sets forth the relief available when the right to privacy is violated.
		Hirsch v. S.C. Johnson & Son, Inc., 90 Wis. 2d 379, 280 N.W.2d 129 (1979).	A person's right to compensation for the use of his name for advertising or trade purposes is distinct from other privacy torts that protect primarily the mental interest in being left alone. A cause of action for appropriation of a person's name for commercial use exists as a matter of Wisconsin common law.
	Drug Testing	Tucker v. Dickey, 613 F. Supp. 1124 (W.D. Wis. 1985).	Urinalysis is considered more intrusive than a body cavity or strip search. The court found that at least one issue of fact existed concerning whether the manner in which the testing was conducted violated an inmate's privacy rights.
	Polygraphs	Wis. Stat. Ann. § 942.06 (West 1982).	An employer may not "require" or "administer" a polygraph examination or any similar test to detect honesty without prior written and informed consent of the subject.

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STATE	ISSUE	STATUTE/ CASE LAW	DISCUSSION
		Wis. Stat. Ann. § 111.37(1)(a),(b) (West Supp. 1986).	An employer may not subject an employee or prospective employee to honesty-testing devices such as polygraph, voice stress analysis, or psychological stress evaluations. The use of devices that can record a person's cardiovascular or respiratory pattern is permissible, however, for the purposes of verifying truthfulness or detecting deception.
	AIDS	Wis. Stat. Ann. § 103.15(2)(a) (West Supp. 1986).	No employer may, directly or indirectly, solicit or require as a condition of employment of any employee or prospective employee to submit to a test to discover the presence of HTLV-III.
	Personal Relationships	Wis. Stat. Ann. § 111.321 (West Supp. 1986).	Prohibits the termination of an employee on the basis of sexual orientation.
		Ward v. Frito-Lay, Inc., 95 Wis. 2d 372, 290 N.W.2d 536 (1980).	A male employee was fired because his relationship with a female employee, with whom he was living, was resulting in employee comment, insubordination, and the filing of a grievance at the employer's plant. In characterizing the discharge as a "business judgment," the court found that there was no intimidation by the employer, nor did the employer act in bad faith.
	Confidentiality of Employee Records	Wis. Stat. Ann. § 103.13(2) (West Supp. 1986).	Provides an employee the right to inspect personnel documents used to determine employee qualifications for employment, transfer, additional compensation, termination or other disciplinary action, and medical records.
	Freedom of Speech/First Amendment	Harmon v. LA Crosse Tribune, 117 Wis. 2d 448, 344 N.W.2d 536 (Ct. App. 1984), cert. denied, 469 U.S. 803 (1984).	The discharge of an attorney following his public statement questioning the integrity of a client of his law firm contravenes no public policy.
		Schultz v. Industrial Coils, Inc., 125 Wis. 2d 520, 373 N.W.2d 74 (Ct. App. 1985).	An employee argued that his termination, which resulted from a letter that he wrote to a newspaper critical of his employer, was a violation of his right to free speech and in violation of public policy. Although the court stated that a termination that abridged one's free speech rights would be improper, the balance of interests weighed on the side of the employer.
		Pushko v. Miller Brewing Co., 134 Wis. 2d 136, 396 N.W.2d 167 (1986).	Terminated employee did not have wrongful discharge cause of action against employer merely because discharge may have been attributable to employee's complaints concerning public policy matters; employee conceded that employer had not required him to violate any constitutional or statutory provision.
WYOMING	Personal Relationships	Board of Trustees v. Holso, 584 P.2d 1009 (Wyo.), reh. denied, 587 P.2d 203 (Wyo. 1978).	A school superintendent's recommendation to terminate a teacher because of the teacher's alleged immorality violated the teacher's constitutional right to privacy.
	Political Activities	Wyo. Stat. § 22-26-112; § 22-26-116 (1977).	It is a misdemeanor for an employer to interfere with the "political rights" of employees, or to discharge an employee because of his nomination for or election to political office.

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